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ABSTRACT

An extensive research project to develop a national strategy to prevent juvenile offending was undertaken in South Africa. The following proceedings of a workshop, which involved representatives of relevant organizations, are reported in this book: "Setting Goals" (Lorraine Glanz); "The Prevention of Juvenile Offending: Problems and Solutions" (Seef Wolmarans and Retief Jacobsz); "Causes: Some Explanations for Juvenile Offending" (Willem Schurink); "Primary Prevention and the Family: Empowering Parents" (Helen Starke); "Primary Prevention and the School" (Fanyana Mazibuko); "Primary Prevention and the Community" (Isaac Meletse); "Support Networks: Forming Attachments between Family, School and Community" (Evanthe Schurink); "Identifying and Responding Appropriately to Young People at Risk" (Alan Jackson); "The Role of the Police within Current Policy" (Gert Petzer); "Innovative Police Strategies To Deal with Young People in Trouble" (Fiona McClaghlan); "Processing Juveniles through the Court System" (Rachel Sempe); "How the Courts Should Work" (Shireen Said and Jenni Eksteen); "Correctional Programmes for Juvenile Offenders" (Henk Greeff); "Diversion from the Criminal Justice System and Appropriate Sentencing for the Youth" (Rosemary Shapiro); "The Role of Residential Facilities in Juvenile Corrections" (Solomon Ndlovu); "Developing a Comprehensive Juvenile Justice System in South Africa" (Ann Skelton). The proposed national prevention strategy and findings of discussion groups are also provided. (JBJ)

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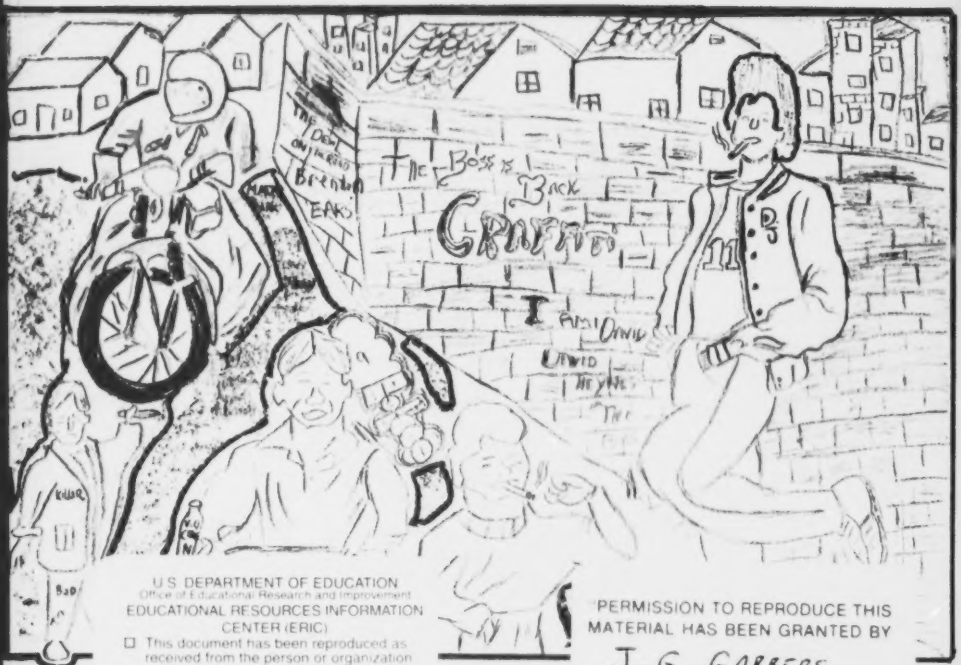
PREVENTING JUVENILE OFFENDING IN SOUTH AFRICA

ED 389 984

Workshop proceedings



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PREVENTING JUVENILE OFFENDING
IN SOUTH AFRICA
Workshop proceedings

PREVENTING JUVENILE OFFENDING IN SOUTH AFRICA

Workshop proceedings

Editor

Lorraine Glanz

HSRC
Pretoria
1994

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L. Glanz, Human Sciences Research Council (Group: Social Dynamics)

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LORRAINE GLANZ
July 1994

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Preface

The proceedings of a two-day workshop which was held at the Human Sciences Research Council (HSRC) during February 1994 are given in this report.

The workshop represented the culmination of an extensive research project undertaken by the HSRC at the request of the former Department of National Health and Population Development. The brief received by the researchers was to develop a national strategy to prevent juvenile offending in South Africa. In order to do this, the relevant theory and existing research on the topic as well as crime statistics were analyzed, and a critical overview of crime prevention strategies was carried out. Furthermore, a fact-finding study tour of the United States of America and England during which experts and practitioners were consulted, was undertaken. The research findings were presented to the Department during mid-1992. A summary of the proposed national strategy to prevent juvenile offending is given in Section 3 of this report.

The researchers and the Department realized that the implementation of the proposed strategy could only be carried out with the co-operation of all roleplayers, stakeholders and interested parties. A workshop, with the aim to facilitate, on a partnership basis, the implementation of the national strategy, was thus presented. In view of the fact that a number of other organizations and individuals had also undertaken research on this subject and/or were actively involved in the prevention of juvenile offending in South Africa, the intention was to involve representatives of as many of these organizations as possible in order to discuss, evaluate and possibly amend the proposed national strategy.

During the workshop a number of papers were presented by experts in various fields, followed by discussions in topic-related groups. The groups were guided by trained facilitators and followed a goal-directed approach. On the first day of the workshop the proceedings focused on the primary and secondary prevention of juvenile offending, and on the second day on tertiary prevention. The papers which were read are given in Sections 1 and 2 of this report and the findings of the groups are given in Section 3.

The prevention of juvenile offending in South Africa is an ongoing process. The proposed national strategy and the findings of the discussion

groups set the minimum requirements for a plan of action to prevent juvenile offending in all regions. It is hoped that in this way a level of uniformity can be achieved across the country with regard to the prevention of juvenile contact with the law and the measures that are adopted for dealing with juveniles once they have come into contact with the law.

LORRAINE GLANZ
July 1994

SECTION 1

Primary and secondary prevention

1. Welcome

Dr Rolf Stumpf
Human Sciences Research Council

Ladies and Gentlemen, it is a great pleasure for me to welcome each one of you to this very important workshop on *Preventing juvenile offending**. Your presence here today is an indication of your commitment to the position of young people in South Africa. I know that you represent a wide range of organizations and institutions and also hold diverse views on the prevention of juvenile offending. This workshop is therefore an opportunity for you to exchange ideas and share your experience and expertise in this very important field.

As a nation we are faced with numerous social problems in our communities as we move into a new political and social era in South Africa. Young people in trouble with the law is just one of these problems. Why have we then chosen to focus specifically on this issue for two days? The answer is very clear and very simple—young people are our future. To ignore the critical problems facing them today would be tantamount to ignoring the future of South Africa itself.

The HSRC has endeavoured, on behalf of the Department of National Health and Population Development, to bring together the individuals, organizations and bodies who have for many years been working with children and young people in distress. It is unfortunately true that the government and the non-government sectors have largely been working independently of one another in the area of juvenile justice. Through this conference we sincerely wish to move away from this independence toward interdependence and co-operation. In doing so we hope to facilitate a process whereby community workers, youth workers, people working

* The terms juvenile offending, juvenile delinquency, offending, delinquency, delinquents and offenders are used interchangeably throughout the report.

in the private sector, social workers from welfare agencies and government officials reach out to each other to address an issue that is of concern to all South Africans.

There are indeed many factors working against a young person's ability to make a successful transition from childhood to adulthood. Large sectors of our society have a long history of political, social and economic oppression; the extended economic recession has left its mark on the job market; political instability, violence and intimidation have disrupted education to a grave extent; and the breakdown of the urban family has robbed many of our young people of their right to a stable, supportive and secure home environment.

Yet, in spite of these odds, many young people have shown a willingness and a desire to overcome the obstacles in their path and to move forward to take their place in society. It is our task to make it possible and easier for them to do so. That is why we are asking you to draw upon your knowledge and expertise to make recommendations for the implementation of a plan to prevent juvenile offending.

You may feel that this is an overwhelming task. Yet, if one takes a closer look one realizes that all that is needed is to address the basic human needs and rights of children and young people, and in so doing automatically address the issue of preventing juvenile offending. In the process one will also be preventing a whole range of other social problems. During today's proceedings specifically, we will be asking you to make recommendations relating to legislation and policy regarding the functioning of the family, education, the role of religion, the preparation of young people for adult life and also the identification of youngsters who are at risk.

Tomorrow's proceedings will focus on what happens to young persons once they have come into contact with the law. We will ask you to make recommendations for policy regarding law enforcement, probation services to young people, how to deal with those who are awaiting trial, the court process, the custodial care of juveniles, and alternative or appropriate sentencing options for juveniles. Your recommendations for policy will certainly shape the future of juvenile justice in South Africa.

May I then in closing take this opportunity to thank each of you for your participation in this workshop. Your enthusiasm and dedication to the plight of South African youth will make a difference to their and to our future. I wish you a most successful and rewarding workshop and give you the assurance that the HSRC will do everything in its power to record the proceedings and make the findings available to you as well as to other roleplayers and stakeholders in the field of juvenile offending.

2. Message from the Director-General

Dr Boet Schoeman on behalf of
Dr Coen Slabber
Department of National Health
and Population Development

Dealing with the juvenile offender remains a considerable problem to governments around the world. South Africa is no exception. During 1989 the Department of National Health and Population Development, in collaboration with other relevant state departments, approached the Human Sciences Research Council (HSRC) and expressed concern regarding the problem of juvenile offending in South Africa. It became evident that the Department needed information on the nature, extent and causes of juvenile offending, the way in which the problem is presently dealt with and new strategies for coping with crime and misconduct by the South African youth. Discussions culminated in the HSRC being contracted to develop a national strategy for the prevention of juvenile offending in South Africa.

On completion of the research it was evident that it would be extremely useful to present a workshop on the prevention of juvenile offending. All participants and stakeholders involved with juvenile offending would be invited to exchange ideas, provide criticism and make suggestions for implementing the proposed national strategy to prevent juvenile offending in South Africa.

The following statistics give an indication of the situation in South Africa. In March 1993:

- 1 746 children, 18 years and younger, awaited trial in prisons and police cells.
- 823 children, 18 years and younger, were in prisons.
- 4 056 juveniles, between 18 and 21 years, awaited trial in prisons.

- 8 940 sentenced juveniles, between 18 and 21 years, were in prisons.

I am convinced that the causes of juvenile offending are multi-dimensional and can only be addressed successfully through a multi-disciplinary approach. I believe that in a developing country like South Africa, socio-economic circumstances play a major contributory role in juvenile offending.

These socio-economic circumstances include poverty, rapid population growth, inadequate provision of shelter and housing and social services, urbanization, unemployment, the breakdown of the family unit together with the erosion of traditional values, internationalization of behaviour patterns, and the weakening of community support systems. Young people are the least able to support themselves, are often marginalized and are among the most frequent victims of *critical* poverty.

We believe that the prevention of juvenile offending at primary, secondary and tertiary level is vitally important. It is however important that we define primary, secondary and tertiary prevention and develop programmes that are cost-effective and successful at each of these levels.

It seems however that the most successful prevention programmes have one important factor in common—the maintenance of informal social control through bonding between the individual and an *extended family* system or a cohesive structure in the community. There is general agreement that the family unit is regarded as the most important institution for the education and socialization of children.

In order to implement a national strategy successfully, it is necessary to take cognizance of the Draft United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).

These guidelines represent a set of 65 universally applicable principles intended to prevent juvenile offending at the *pre-conflict* stage, that is, before young persons come into conflict with the law. These guidelines also emphasize early protective and preventive intervention modalities for all young persons, and pay special attention to situations of *social risk*.

It is also necessary to take cognizance of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). These rules have been formulated so as to be applicable within different legal systems and, at the same time, to set minimum standards for the handling of juvenile offenders under any definition of a juvenile, and under any system for dealing with juvenile offenders.

We should concentrate on programmes that involve all possible resources, including the family, volunteers, community groups, as well as schools and other community institutions. The purpose of their involvement should be to improve the well-being of the juvenile, reduce law intervention, and deal effectively, fairly and humanely with the juvenile in conflict with the law.

It is also necessary to evaluate the effectiveness of our present treatment for juvenile offenders and to avoid institutionalization to the greatest extent possible. Probation services should be developed and all roleplayers in this field should be encouraged to offer community-based services.

Greater co-operation between and co-ordination of welfare organizations, non-governmental organizations (NGOs), community-based organizations (CBOs), government departments, churches and other institutions dealing with juveniles are essential.

I am convinced that we shall be successful in our efforts to combat juvenile offending only if we have the support of all parties involved.

We are thus largely dependent on your contribution today. I want to thank you for your presence and commitment.

Setting goals

Dr Lorraine Glanz
Human Sciences Research Council

On behalf of the research team, may I give you a warm welcome once again and thank you for attending.

We have had a very good response to the idea of holding a workshop and to the invitations. This indicates genuine concern about juvenile offending as well as commitment to being part of the process of doing something about it. Your presence here today indicates your commitment to improving the position of all young people in South Africa, particularly those that have so many odds stacked against them.

Need I remind you that when we speak of children and young people under the age of 20, we are talking about 45 percent of the population. In addition, if we are concerned about juvenile offending, it is because in any one year in South Africa more than 90 000 young people between the ages of seven and 20 are convicted of an offence other than a minor misdemeanour. Tens of thousands more are arrested and detained by the police. Juvenile offending is most prevalent amongst young males between the ages of 18 and 20. This group is convicted at a rate of 49 per 1 000, which is more than one and a half times that for males aged 21 years and older.

It is obvious that this is a problem of serious proportions, and I would like to submit that being in trouble with the law is just one manifestation of an ineffective system. After all dropping out of school, unemployment, teenage pregnancy, functional illiteracy or alcohol and drug abuse are equally serious social problems experienced by young people in South Africa. This suggests that whatever you are able to set in motion to prevent juvenile offending is probably going to work just as well to prevent any of the other social problems prevalent amongst our young people.

To turn to the goals of the workshop—I have good news and bad news. The good news is that the HSRC has been instrumental in bringing you all together. This is a wonderful opportunity for you to network with others working in the numerous areas and fields related to young people and their problems. There is a list of delegates in your file—it is the most up-to-date list that we could compile. There is also a form in your file by means of which we invite you to join the juvenile justice network.

The bad news is that my job ends here—you are here to work! This is a workshop with the accent on work. The speakers are experts in their various fields and I am sure that you are going to find their contributions very interesting. But the real work takes place in the discussion groups. It is in the groups that you will be locating the problems. You will be determining what has been done to date, where we stand now, and what still needs to be done. You will be prioritizing items in the long list of things that need to be done to address this problem, and you will be identifying people, organizations and groups whom you think should do these things, and, most important, when it should be completed.

It will be an understatement to say that many of you are frustrated. Many of you have been working on this problem for so many years and have done very innovative work in this area. You are probably asking yourselves: Who is the HSRC to, at this late hour, hold a workshop on this topic? My answer is that the HSRC is merely the facilitator. We see our role as that of bringing all parties together. The government needs to sit down and listen to what the experts and practitioners in the field have to say. I invite you to be critical of government and the formal sector, but I ask you to be constructive in your criticism. Government, although by no means perfect, has its constraints—as the new government will soon find out! But it has a genuine desire to listen, and this is your opportunity to *lay your cards on the table*. This is your workshop. Think about what you would like to see happen from here on. Since the workshop is taking place before the elections, think about how we can help the new government to set a plan in motion. What takes place during these two days will be written up and submitted to all persons concerned. It is my sincere wish that you find the workshop interesting, challenging and rewarding.

The prevention of juvenile offending: Problems and solutions

Mr Seef Wolmarans
& Mr Retief Jacobsz
Department of National Health
and Population Development

Introduction

The prevention of juvenile offending, the administration of juvenile justice and the protection of the young have undergone a progressive evolution of thought and action during the past few years. Many aspects have been approached from different perspectives and, over the years, important successes have been achieved, also in conjunction with world-wide changes in the social, cultural and economic sphere:

- The rights of the child have been accepted as a universal concept.
- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) have made a major contribution to the protection of the rights of juveniles in conflict with the law.

The Beijing Rules have inspired innovation and reform in juvenile justice all over the world. They advocate the least possible use of institutionalization, and only as a measure of last resort; increased recourse to diversion; the establishment of juvenile courts and the use of separate facilities for juvenile offenders; professionalization of personnel dealing with juveniles in conflict with the law; decriminalization and depenalization; respect for substantive and procedural rights; and abolition of capital and corporal punishment for juveniles.

The prevention of juvenile offending should include measures for the protection of young persons who have been abandoned, neglected and abused, or who find themselves in marginal circumstances and, in general, those who are at social risk. One of the basic aims of the prevention of juvenile offending is the provision of assistance and a range of opportunities to meet the varying needs of the young, especially those who are most likely to commit an offence or are exposed to crime.

Violent behaviour of youth groups, known as *hate* or *bias* crime, and mostly occurring in the form of assaults by groups of at least four persons, is causing concern, especially in South Africa. *Hate crimes* are committed by those in their teens or early twenties, but are not spawned by youthful rebellion. According to research, the perpetrators act out feelings shared by their families, friends and communities. These acts of violence originate in racial, religious and ethnic prejudice and tend to be more severe than other assaults. Often involving gangs, they occur largely in mixed neighbourhoods.

Policy guidelines for the prevention of juvenile offending

A national strategy for the prevention of juvenile offending should be based on sound principles and policy guidelines. It is therefore necessary to evaluate the Draft United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) with the purpose of applying them in our own situation so as to come in line with international norms and standards. The Riyadh Guidelines represent a set of 65 universally applicable principles intended to prevent juvenile offending at the *pre-conflict* stage, that is, before young persons come into conflict with the law. Early protective and preventive intervention is regarded as essential for all young persons, and special attention is given to situations of *social risk*.

The new concept of *social risk* is the basis of the Riyadh Guidelines. Identification of these situations, their causes, and the provision of conditions for the normal and healthy development of the child can do much to prevent juvenile offending.

The guidelines emphasize the following aspects:

- It is generally agreed that the prevention of child abuse can go a long way toward preventing juvenile offending. The quality of the parent-child relationship largely determines whether or not a child will find him or herself in a position of *social risk*.

- Early exposure to violence, particularly in the family environment, may contribute to juvenile offending. Witnessing domestic violence when he or she is not the victim can be detrimental to the child.

- Research has indicated a significant correlation between child abuse and neglect and deviant behaviour among violent juvenile offenders and amongst adults who have committed violent crimes.

- Emotional or physical neglect, particularly in infancy, is likely to turn the victim into a child at social risk. Various measures of a purely preventive nature can be taken in this respect. Efforts should be made to establish a wide range of family support services.

- The family is the primary social unit and the principal socializing agent and therefore every child should have the right to remain with his or her own family unless there are compelling reasons which justify the child's removal.

- In order to ensure prompt protective intervention, cases of child abuse or neglect should be uncovered as early as possible. Efforts should be made to guarantee the immediate reporting of such cases to the relevant authorities.

- Special attention should be paid to children and juveniles particularly at risk of being victimized and involved in child prostitution practices, such as abused, neglected and abandoned children, runaways, drug addicts and street children. Appropriate structures and services should be made available for their protection.

- The use of children as agents in criminal activities and in the illicit drug trade on the grounds that they are not criminally responsible, is a matter of grave concern.

- If children are left on the streets and are unable to make the minimum amount of money necessary to survive, they are forced to turn to other means for survival, such as theft, acts of violence and prostitution.

- It should be stressed that street children are not actually offenders, but potential offenders if their needs are not met. If their social integration is seriously hindered or made impossible, these children being at social risk, are very likely to grow into chronic offenders.

The prevention of juvenile offending

Action to prevent juvenile offending is likely to be most effective if it accurately targets high-risk situations as a basis for the prevention of social crime. Thus prevention programmes should be directed towards groups that can be identified as vulnerable to factors likely to be associated with high rates of juvenile offending. Prevention programmes must be part of a wide range of service-providing systems, so as to be presented as positive activities in themselves and not only as offending prevention strategies.

It would be unrealistic to consider the complete elimination of juvenile offending as possible or as the ultimate goal of prevention policies. Since crime and offending are always present to a certain extent, prevention can only seek to reduce its incidence to an acceptable level, especially because juvenile offending tends to be a temporary phenomenon. Therefore all measures aimed at its prevention should reflect a proper balance between objectives and means.

In the public health field, useful distinctions have been made between primary, secondary and tertiary prevention. Primary prevention involves general policies designed to meet basic needs, and targets society at large. Secondary prevention consists of various programmes targeted at high-risk groups. Tertiary prevention involves individualized care and treatment, with a view to preventing a relapse.

In the context of juvenile offending, an effective prevention policy should focus on the alteration of the circumstances which lead to offending, a reduction in the rate of first and serious offences, and the prevention of recidivism. Primary and secondary prevention are closely interlinked. Instead of dealing with problems of deviance at the primary and secondary levels, when young people are still functioning socially, there seems to be a tendency in many countries to abandon the long-term approach of reaching out to society as a whole and attending especially to selected sectors in need. Instead, preference tends to be given to intervention at the tertiary level, after young persons have already come into conflict with the law. Thus primary and secondary prevention are not allocated the resources they require, although they are more effective than short-term approaches and institutionalization.

Primary and secondary prevention

The occurrence of offending (delinquent) behaviour indicates that social integration has broken down.

- Effective prevention should contribute to the satisfactory social integration of the child at the earliest possible stage of his or her development. Parents are primarily responsible for the physical and mental well-being of their children, but the government is responsible for securing the conditions that enable parents to carry out their duties.

- Education is one of the main agents of socialization and plays a very important role in the development of the child.

- Long-term employment planning should be an integral part of policies for the prevention of juvenile offending, particularly in developing countries, where it should also be geared to national development needs.

- Community-based services should be developed for the prevention of juvenile offending. Prevention programmes in schools, shopping centres, and sport and youth clubs should be promoted.

- It is also necessary that governments consider facilitating and encouraging prevention programmes developed by the youth, rather than *delivering* them themselves.

- The mass media can play an important role in the prevention programmes. Efforts should be made to enhance the educative rather than the entertainment role of the mass media.

- The fact that juvenile offending is caused by a complex and frequently interrelated set of factors, influences the nature and content of preventive programmes. Well co-ordinated, multi-faceted policies are needed, touching upon all the elements of socialization, namely the family, the community, peer groups, schools, vocational training, work and voluntary organizations.

Tertiary prevention

The first step to effective tertiary prevention is to avoid criminalizing and penalizing a young person for behaviour that does not cause serious damage to his or her development, or harm others.

A significant proportion of juveniles who commit minor offences may not need any intervention, especially where the family, school or other informal social control institution has already reacted, or is likely to react in an appropriate and constructive manner. Such cases should be excluded, as much as possible, from the official proceedings of the justice system.

Intervention by the juvenile justice system seems to be the only answer in the case of juveniles who commit offences of a more serious nature, relapse into crime and clearly have difficulty in functioning socially.

Tertiary prevention poses the problem of choosing the juvenile justice response that best suits the case; the careful classification of the juvenile offender thus becomes a priority. A wide spectrum of possible measures should be available to respond to offensive behaviour of different degrees of seriousness. To respond effectively to the needs of juveniles, it is essential to take note of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which emphasize the following aspects:

- **Part 1**: General principles. They deal with the rights of juveniles and the fact that their privacy shall be respected at all stages.

- **Part 2**: Investigation and prosecution. Upon the apprehension of a juvenile, parents or guardians shall be notified as soon as possible. Consideration shall be given to dealing with juvenile offenders without resorting to trial, and any diversion to community services shall require the consent of the juvenile or the parents.

  Police officers dealing frequently with juveniles shall be specially instructed and trained. Detention pending trial shall be used only as a last resort and for the shortest possible period of time.

  When possible, detention pending trial shall be replaced by alternative measures, such as close supervision or placement with a family.

  Juveniles under detention pending trial shall be kept separate from adults. While in custody, juveniles shall receive care, protection and all the necessary assistance that they may require in view of their age, sex and personality.

- **Part 3:** Adjudication and disposition. Judicial proceedings shall be conducted in an atmosphere of understanding, allowing the juvenile free self-expression. Throughout the proceedings, juveniles shall have the right to be represented by a legal advisor.

  Prior to sentencing and final disposition, the background and circumstances of the offender shall be properly investigated. Juveniles shall not be subjected to corporal punishment.

  To provide flexibility so as to avoid institutionalization to the greatest extent possible, a large variety of disposition measures shall be made available, including probation, community service, supervision, financial penalties, group counselling and other care. No juvenile shall be removed from parental supervision, except when circumstances require it. The placement of a juvenile in an institution shall always be a disposition of last resort and for the shortest necessary period. Professionalism and the training of juvenile justice personnel are important.

- **Part 4:** Non-institutional treatment. Efforts shall be made to provide the necessary assistance such as lodging, education, vocational training and employment, to facilitate the rehabilitation process. The services of volunteers shall also be sought.

- **Part 5**: Institutional treatment. Measures shall be adopted within institutions for juveniles to provide care, protection, education and vocational skills, the

overall aim being to assist offenders in assuming constructive and productive roles in society. Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes and day-time training centres, in order to assist juveniles in their reintegration into society.

- **Part 6**: Research, planning, policy formulation and evaluation. Efforts shall be made to review and appraise periodically the causes and problems of juvenile offending and crime, and the needs of juveniles in custody.

Some practical viewpoints

The second part of this presentation deals with a more practical approach to the problem. When the HSRC was contracted a few years ago to undertake the research, the importance of prevention was emphasized strongly. At that stage there was already grave concern for the fact that children committed offences and showed signs of deviant behaviour without being referred to social workers. Only after appearing in court several times or after committing a serious crime, a social worker (probation officer) was called in to furnish the court with a report.

I am not going to deal with the report and the recommendations of the HSRC because you already have this available. The strategy spelled out in the report is supported by me.

There is however no simple solution. The problem is that we in South Africa tend to work on our own—whether we are a government department or a private organization. If we want success we should really be working together and follow a holistic approach.

In this regard I wish to refer to the British system of dealing with young offenders. According to Mr John Sweetman of the Youth and Community Division of the British Metropolitan Police, up to 42 percent of young first offenders receive only a warning—the police do not want them to have a criminal record for the rest of their lives. When a juvenile commits an offence for the first time, he is brought in to the police station and he can be:

- prosecuted—immediately;

- warned and released—immediately, without any condition. Their viewpoint is that if it is done on condition they see themselves both as judge and jury, which they are definitely not.

- Documentation on the case can be referred to Mr Sweetman's unit for decision on further treatment. The necessary information is then submitted to a joint working group who decides on further treatment.

- The youth can be released if a treatment programme has been completed.

According to Mr Sweetman diversion is very much the aim and cautioning very much in. In the past, many youths were sentenced by the courts and thus had a criminal record, although they did not again commit an offence. The situation was very undesirable. Social workers were regarded as *left-wing trendies* and too liberal, and were kept away from the children. The police were unpopular because it was thought that their only solution was to lock the children away. Mr Sweetman noted that the truth was completely different.

Fortunately all the roleplayers have accepted the principle of working together. They are the Department of Health, which is also responsible for social services; the Home Office, which is responsible for the police, probation services and prisons; the education and justice departments, and the different welfare agencies. They have published the document entitled *Working Together* which is regarded as a milestone in dealing with the abused child.

According to this manual, a forum is created in every borough for the development, monitoring and revision of child protection policy. The child protection forums link the services of social welfare institutions, the police, medical practitioners, community health workers, educationists and all other institutions working for the benefit of children.

The forums are supported by different working groups, enhancing co-operation and co-ordination at casework level in the interest of children. The forums decide on diversion, but if they do not come to an agreement the child has to appear in court. It seldom happens that a child has to go to court on a first offence. These forums meet once a month.

Very few children are taken into custody because few facilities are available. There was however a big furore in the press about children still committing serious crimes while they were awaiting trial.

A child may only be interviewed in the presence of an appropriate adult. It may be the child's parents, but is usually a social worker. Most of the children have legal representatives.

The importance of school social work services was stressed by many of the institutions visited. The police have a positive relationship with the education authorities and easy access to schools so as to enhance law and order.

A child protection unit deals with all cases of sexual molestation and non-accidental injuries. The particulars of potential victims are entered in an 'At Risk Register'. Presently they are promoting the idea of having a register for children who may become potential offenders. They already have a system whereby these children are visited and assisted.

According to Inspector Derek Millar of Scotland Yard, they have programmes in all schools to deal with personal, social and health education. The programmes also deal with date rape, the rights of a girl and courtesy by boys. The police are

promoting this under the motto that everybody has civil responsibilities toward other people in the community.

It was interesting to learn from Mr Tom White of the National Children's Homes that they have 224 projects in Britain of which only 40 are residential. There are very few traditional children's homes left. They have more than 100 family projects which function as *drop-in neighbourhood facilities*. His organization deals with the parents as well as the problem children, and his staff are all involved in the projects. The aim is to teach the parents parenting skills, and the projects are strongly supported by the education authorities.

Being motivated by what I have learnt in Britain, and conscious of the difference between our two countries, I have tried once again during the past few months to get a more accurate picture of the problems we encounter with children in trouble. We need to do something because we have fingers pointing at us like AK-47s—and I do not only mean the government with its variety of departments, but the whole welfare fraternity, each and every parent and community member, and every member of the audience present here today has a responsibility to change the situation.

Recently I visited a reformatory in the Cape which only opened its doors a few years ago. I was greatly impressed with the excellent work being done there and I earnestly wish we had a dozen or more such facilities. With the permission of the staff I went through the files of four children discharged in terms of the Child Care Act (Act No. 74 of 1983).

I was so distressed with my findings that, with the friendly co-operation of the Department of Education and Training, senior members of my staff conducted a survey of the files of the last 100 children who had been discharged in terms of the Child Care Act. A formal report has not yet been compiled but some of the findings are that 89 percent of the children were between 14 and 17 years of age and 69 percent of them were between 14 and 16 years of age (only files of children destined for this particular reformatory were used and we had to rely to a great extent on information taken up in the court proceedings and if available, the report of a probation officer).

The police are good at tracking down offenders. In most cases (68 percent) they were arrested within one week after committing an offence and in 82,2 percent of the cases an arrest was made within two weeks. In 14 percent of the cases it took longer than two weeks for the children to appear in court for the first time after arrest.

There was a period of longer than two weeks between the first and the next appearance in court in more than 56 percent of the cases. In more than 30 percent of the cases this period exceeded five weeks.

The children were found guilty within six weeks after their first appearance in court in only 50 percent of the cases; within ten weeks in 66,7 percent of the cases;

within 14 weeks in 81,1 percent of the cases, and within 19 weeks in 90 percent of the cases. In three cases it took longer than 52 weeks.

There is a tendency for presiding officers to ask for a probation officer's report only once a child has been found guilty. Thus we found that in only 46,5 percent of the cases the period between the court's finding and sentencing was four weeks. In one case it took a year!

After the court decides that it is in the best interest of a child to go to a reformatory, an institution has to be designated by the relevant department. *In 40 percent of the cases investigated it took more than 12 weeks to do the designation.*

One of the most disturbing findings is that only 47 of the 100 children were eventually admitted to the reformatory. A lack of space is one of the reasons.

According to the information obtained, children commit a number of offences and they appear in court several times, as indicated by the lists of previous convictions. Eventually the presiding officer decides to ask for a probation officer's report. In most cases this is not done with the child's first appearance, but only after he has been found guilty. According to the findings it is evident that the present system is not geared towards getting children out of detention as soon as possible. This is aggravated by the fact that some children were in the care of their parents/guardians during the whole trial, but as soon as they were found guilty they were placed in detention in either a place of safety, police cells or prison.

Conclusions

It is clear that we have to come together, join forces and skills without pointing fingers, and compile an holistic programme in order to address the whole problem of juvenile offending.

It starts from the bottom, with our primary prevention services enhancing a sound family life, providing parents with the necessary parenting skills, trying to provide the best in housing, education, health services, etc.

Unfortunately one will always have children with problems and South African society should gear itself to identify these children as early as possible and to provide the necessary treatment services to these children as well as their parents. We are in need of many more capable social workers—according to statistics we are in need of at least 1 800 additional social workers who could act as probation officers to meet the present needs.

As in Britain we should all come together and work together at local, regional and national levels.

We need a special juvenile justice system, as indicated by our preliminary findings. The present system does not suit our children and is not in their interest. Even with the lack of facilities we should try our utmost to speed up the whole process. The moment a child or a juvenile under the age of 21 years appears in court, it should be the responsibility of the presiding officer to establish whether

the child is already under the attention of a social worker. If not, the necessary steps should be taken immediately.

Considerably more treatment facilities with more capable staff are needed, such as—

- community-based treatment centres;
- alternative centres for children in detention which are geared to render treatment services and are more evenly spread throughout the country;
- schools of industry and reform schools where the services of social workers are available.

In the new South Africa we will need central control on a regional basis to monitor the movement and treatment of each child taken into custody until such a child is released or discharged under the provisions of the Child Care Act.

Keep our children out of poverty, off the street, out of the cells and out of politics.

Come let us work together.

Causes: Some explanations for juvenile offending

Dr Willem Schurink
Human Sciences Research Council

Introduction

Social phenomena such as deviance, crime and juvenile offending are *complex* and *multi-faceted*. It is a demanding challenge to explain the many sides of such social phenomena. Therefore it will surprise few people to learn that a great many social scientists have devoted time and energy to understanding juvenile offending.

A study of the social scientific literature available on juvenile offending is bound to lead to a number of conclusions, including amongst others the following:

Firstly, what juvenile offending is and how it should be studied are *intensely debated by social scientists*. Much of the controversy in the field stems from a fundamental difference in perspective. *Two perspectives* are found in the field of deviance, crime and juvenile offending, namely the *normative* or *factist* and the *relativistic* or *definitional* perspectives (*cf.* Orcutt 1983; Pfuhl 1980). Since these orientations rest on different assumptions as to what should be studied, what questions should be asked, how they should be asked, and what rules should be followed in interpreting the data collected, it follows that they will use different *analytical tools* or concepts, statements, typologies, models or theories to understand juvenile offending. Not only will these orientations differ in the way that they interpret the term *juvenile offending*, but they will also differ in their recipes for appropriate action to control the phenomenon.

Secondly, there are *important divisions in the theoretical approach to juvenile offending within these two broad categories*. These divisions are based, amongst others, on differences in the level of analysis of aspects of juvenile offending. Some theories are based on concepts that emphasize the *large-scale characteristics of the social environment* (for example social class) and try to explain broad patterns of variation in juvenile offending. They can be labelled *macro-level theories*. *Micro-level theories* on the other hand "employ concepts that look at small-scale features of the social environment, such as face-to-face relationships and group influences on the individual" (Orcutt 1983:12). The most important

normative theories that are primarily concerned with macro-level explanations for juvenile offending are: *strain* or *social disorganization theory* which is reflected in Merton's (1957) *anomie*, and Cohen's (1955), Miller's (1958), Cloward and Ohlin's (1960) and Wolfgang and Ferracuti's (1967) subculture theories. Prominent normative theories dealing with micro-level explanations for juvenile offending are: the *social learning theory*, of which Sutherland's (1947) differential association theory is the anchorage, and the *control theory* (*cf.* Hirschi 1969) which differs from the other normative theories by taking as its point of departure "Why do people conform?" rather than "Why do people violate norms?" With regard to the relativistic perspective, the *labelling theory* (*cf.* Lemert 1951; Tannenbaum 1938; Becker 1963, 1973; Kitsuse 1964; Erikson 1962) has focused on micro-level phenomena, that is, the processes through which young people are labelled *juvenile offenders*, while *conflict theorists* (*cf.* Marx 1967; Chambliss 1964, 1969; Platt 1969; Quinney 1970, 1977), who approach the creation of juvenile offending on a macro level of analysis, have attempted to understand the processes of political and economic conflict that underpin the law and social control systems.

Thirdly, with regard to who the juvenile offenders are and what the causes of juvenile offending are, it is clear that these have been the central theoretical questions of the normative perspective on juvenile offending.

> Even with the emergence of the relativistic perspective and the new questions it raises for the field of deviance (juvenile offending), explanation of the social causes of deviant behavior (juvenile offending) continues to be the primary objective of many contemporary sociologists (Orcutt 1983:67).

Fourthly, the attention focused by the relativistic perspective and more particularly by the labelling theory, on the process of how one comes to be defined as a *juvenile offender*, the nature of that definition and society's as well as the delinquent's response to that definition lead to the realization of the importance of including in studies of juvenile offending *the viewpoints and world-views of the person whose behaviour is at issue*. Understanding the reality of juvenile offenders may not only lead to an understanding of *their world*, but may also be of *value in the formulation and implementation of social policy*. "The failure of many problems to aid, 'rehabilitate' or even control deviants appears to stem from a lack of understanding of their values, desires, life-styles, and subcultures" (Lowney, Winslow & Winslow 1981:404).

Applicability of theories of crime*

The applicability of normative as well as relativistic theories can be summarized as follows:

Strain theorists propose that a sense of failure, or the anticipation of failure, is conducive to involvement in delinquent behaviour. It could be argued that a considerable proportion of the young people growing up in South African communities anticipate failure in the school and occupational sphere. Material goals are upheld in society and are widely supported by the media. Opportunities for attaining these goals are not shared equally by all and one can assume that a goal-opportunity disjunction exists. Illegal means may be adopted to attain sought-after goals. Whether or not such a path is followed may also be determined by the degree of alienation experienced by young people. The present laws, and particularly the application of the laws, are not necessarily supported by all the members of many South African communities. A state of anomie, or alienation, is said to exist in communities where there is an absence of commitment to the norms of the dominant culture.

During the past few decades South African society has been characterized by rapid urbanization, particularly in the black communities. Urbanization is generally accompanied by a breakdown of traditional norms, values and formal and informal means of social control. The function of the family in urban settings in particular has changed considerably in recent years. Doubt has also been cast on parental influence and the ability of parents to control the behaviour of their children. **Social control theory**, which places the emphasis on the crime-deterring effect of strong attachment to institutions such as the family, would therefore appear to be relevant to the explanation of crime and misconduct amongst young people in South Africa. Control theorists argue that lack of commitment to the conventional social order leaves an individual free to deviate.

A great number of serious crimes occur in South African communities every year. A significant proportion of young people are therefore exposed to criminality in their communities. **Social learning theorists** emphasize the effect of the environment on the development of a criminal career. The presence of delinquent individuals and delinquent activity in a community, it is argued, provide the opportunities and the role models for delinquent behaviour. The presence of deliquent activity in many South African communities cannot be disputed.

Most young people engage in some form of delinquent behaviour as part of identity formation during adolescence. Ericson (1975:136) states that "... to

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* Taken from Glanz and Schurink (1992:273-320).

subject these youths to criminal control when their behavior is primarily directed at testing personal styles and establishing personal meaning is to invite a negative sense of injustice that might harden the individual". Furthermore, clearly labelled delinquents may be urged by circumstances or an altered self-concept toward further deviance. They may for example become imprisoned and the criminogenic effects of incarceration may lead to secondary delinquency and a career in crime. In short, *state intervention* can cause the very lawlessness it is meant to suppress. While empirical research both here and abroad has yet to confirm this causal thesis, there can be no doubt that social control can turn back upon itself when it is too severe or when control agents discriminate between persons of varying race, ethnicity, social class, sex, gender and age. Exponents of labelling theory maintain that *non-intervention* is the best approach with regard to less serious forms of delinquency and deviance. As Empey (1982) points out, labelling theorists propose four strategies which can be utilized to limit the intrusion of the criminal justice system into offenders' lives: decriminalization, diversion, due process, and deinstitutionalization. While these strategies, and particularly diversion programmes, have been implemented in various overseas countries, they are yet to be introduced in South Africa. Regardless of the reasons for this state of affairs, it is clear that the consequences of labelling may be profound.

Conflict theory, in the final instance, shows some promise in explaining at least certain categories of delinquency and crime in South Africa. As Lötter and Ndabandaba (1990) rightly point out, it suggests that those in power in South Africa created apartheid and other laws to safeguard their values and interests and to punish acts perceived as threatening. "Apartheid laws served the interests of one or some groups, but not of all. These laws labelled people as offenders who saw nothing wrong in what they were doing" (Lötter & Ndabandaba 1990:9). Conflict theory could also be very useful in terms of critically evaluating the impartiality of the South African criminal justice system in its application of the law to all members of society (Van Zyl Smit 1990).*

* A critical-orientated criminology has emerged from the Institute of Criminology at the University of Cape Town (Van Zyl Smit 1990) since the mid-1970s and provides good examples of the local application of conflict theory.

Factors associated with juvenile offending*

As has already been indicated, one of the key tasks with which sociologists and other social scientists in the field of juvenile misbehaviour and offending have occupied themselves for decades, is to find answers to the question on why young people turn to misbehaviour and offending.

In the research on factors associated with juvenile offending, therefore, attention was given to the most important variables or factors that sociologists use to explain these phenomena. The most important instruments for the explanation of juvenile misbehaviour and offending in the South African context were abstracted from theoretical and empirical sociological literature on these phenomena. Although the emphasis was on foreign sources, local sources were also constantly being referred to. In discussions two particular types of factors or variables were distinguished, namely (i) variables or premises (social class and group) that are embedded in the most important socio-etiological theories of juvenile misbehaviour and offending, and (ii) socio-demographic and other variables (gender, age, the family, the school, unemployment and poverty, alcohol and drug abuse, and political instability and violence) that serve as a basis for hypotheses in research on juvenile misbehaviour and offending.

There is currently a marked difference of opinion in sociology about *class* and *group* as primary explanatory variables of juvenile misbehaviour and offending. It stands to reason that South Africans who attempt to find scientific answers to the etiology of juvenile misbehaviour and offending will have to attain finality about the tenability of these two theoretical premises. A prerequisite for this seems to be long-term research in which multi-faceted sophisticated methods are used.

With regard to the applicability of conventional socio-economic variables for elucidating juvenile misbehaviour and offending, there are also contrasting viewpoints among social scientists, as is the case with the premises generally. The only exceptions among these variables are gender and age. In empirical as well as theoretical work, controversies and uncertainties exist with regard to the role the family (structural factors such as broken homes and functional factors such as family size, order of children and supervision), the school (child handicaps such as early school leaving and low intelligence, and school deficiencies such as school practices), economic factors (such as unemployment and poverty), and alcohol and drug abuse play in the etiology of juvenile misbehaviour and offending. Although there are naturally various reasons for the contrast in viewpoints, one of the most important reasons undoubtedly relates to the inability of researchers to establish the

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* Based on Schurink and De Kock (1992:321-392).

role of a particular variable while at the same time excluding the effect of other possible variables in their analyses of juvenile misbehaviour and offending. This problem is further complicated by the fact that juvenile misbehaviour and offending are not caused by a single factor, but by many. The issue at stake is therefore to identify all factors that play a role in causing juvenile misbehaviour and offending and to demarcate the particular contribution and position of each in relation to the others. Moreover, cognizance must be taken of the phenomenon of reciprocity. Bartol and Bartol (1989:42) explain reciprocity as follows:

> Reciprocity refers to the process whereby the individual and social environments mutually influence one another in an ongoing way. For example, peers may be a contributing 'cause' of delinquency, but it is equally plausible that delinquent behavior 'causes' certain individuals to seek each other out. In other words, delinquency-prone adolescents may look for the company of other delinquency-prone adolescents, and when they get together their delinquent behavior may increase.

Furthermore, Bartol and Bartol (1989:43) rightly point out that reciprocity indicates that

> ... the causes of delinquency (and crime) are unlikely to be in one direction (unidirectional) from a simple antecedent to a consequence (if 'A', then 'B'). Rather, the causes ... are apt to be operating in a two-directional (bidirectional) fashion. 'A' influences 'B' and *vice versa*. Level of parental supervision influences delinquency, and delinquency influences parental supervision. In some respects, causation may operate in several directions (multidirectional). 'A' and 'C', and 'B', in turn, causes 'A' and 'C'. Drug use and faulty parental supervision lead to delinquency, and delinquency increases drug use and a reduction in supervision by frustrated parents.

Although it cannot be doubted that local sociologists and other social scientists have made important contributions to the etiology of juvenile misbehaviour and offending, it is imperative that, against the background of the problem relating to the establishment of causality, these scientists will have to employ progressively refined inferential techniques. Another important issue in the development of indigenous etiological theories of juvenile misbehaviour and offending is unconventional variables such as political instability, power and violence. That these variables are increasingly going to exert an influence on the nature of juvenile misbehaviour and offending in Southern Africa in the coming decades appears to be inevitable.

Common knowledge and lay theories: Juvenile offenders' perceptions of crime and related matters*

As already mentioned, it is vital in any attempt to reach a credible understanding of juvenile offending that offenders' lay theories should also be studied. Skipper *et al.* (1981:15) write in this regard:

> We (social scientists) frequently impute motives and ideas to people when we answer the questions 'Why did he do that? What does she think when people treat her that way?' Being fair and objective, we assume we can come close to answering these questions because we know how we would act or think under similar circumstances. Despite our best intentions, however, we cannot be certain that our definition of the situation is in any way similar to anyone else's. We are not 'inside' other people's heads, so we cannot know for certain what they see. And we have not had their experiences, so we cannot know for certain how the situation will be interpreted. While this may seem obvious, the actor's interpretation of the situation is often disregarded by social scientists because it does not seem to be objective. *But it is objective to the extent that it is real enough to the actor to influence his or her behavior* (emphasis added).

In the light of the importance of the views of young people involved in juvenile offending, the HSRC decided to locate youngsters to establish their views on the issue. Approximately 300 youngsters aged between ten and 21 years agreed to participate in the study after having been approached by representatives of the South African National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO), the Department of Education and Training, the Department of Correctional Services and other organizations.

The accounts of the juvenile offenders revealed a fairly broad and interesting array of notions about etiology and prevention.

As far as *causes* are concerned, the influence of peers and especially gangs was most frequently cited. Family dysfunction (structural variables such as broken homes, functional factors such as child-parent relationships, and other factors including absent parents and drug and alcohol usage by parents) was also apparent in many essays. Somewhat less common but not infrequent were poverty, lack of meaningful utilization of leisure time, truancy, drug and alcohol abuse and apartheid-related factors (such as discrimination and inequality between groups). Finally, a few young people responded in a more complex way, suggesting multi-

* Based on Slabbert (1992:135-208).

component perspectives involving for example the family, gang activities and other delinquency factors acting in combination.

Regarding the young people's notions about *the reduction and prevention of juvenile offending*, some ideas were quite novel while others were readily predictable. Following their heavy emphasis on dysfunctional family life and poor parenting as a paramount cause of juvenile offending, many subjects recommended training in parenting as a potentially significant crime reduction/prevention strategy. It was for example mentioned that parents must be counselled to love and care for their children, to spend more time with them, to show them what is wrong and right in life, to urge them to further their education and not to allow them "to get mixed up with older and bad friends". A wide array of ideas relating to more meaningful and positive recreation (such as the establishment of youth clubs and the presentation of lectures on appropriate youth behaviour) were suggested as ways in which crime could be reduced. Another fairly commonly proposed *remedy* for crime was the upgrading of the South African education system and the provision of more work opportunities. A few subjects urged that apartheid should be dismantled. A black 18-year-old girl put it as follows: "The whites must get equal shares as blacks. The blacks must stop this violence. The apartheid system must fall away. Blacks must be able to live with whites in their neighbourhoods. Maybe if all this happens there will be a new South Africa."

Conclusion

From this discussion it should be clear that:

- social scientists have developed a number of theoretical constructs and have established factors that enhance our understanding of juvenile offending;
- the experience-based perspectives of juvenile offenders can shed significant new light on the etiology and the prevention of crime;
- there is substantial agreement between the views of social scientists and young people on the causes of juvenile offending.

I want to conclude with two observations. Firstly, taken collectively, the diverse professional and youth perspectives on causation converge on the broad conclusion that juvenile offending is a complex social phenomenon reflecting multiple causes. Secondly, as a multi-faceted phenomenon, a variety of interventions are required to reduce/prevent juvenile offending. Finally, I want to agree with Goldstein (1990:156) when he states:

> ... [W]e simply wish to emphasize ... the ... belief that a multilevel (e.g. youth-directed and system-directed), multimodal (e.g. cognitive, affective, behavioral) intervention program is an especially potent strategy for altering that difficult-to-change complex of behaviors called juvenile delinquency.

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Primary prevention and the family: Empowering parents

Ms Helen Starke
South African National
Council for Child and Family Welfare

Why do parents need to be empowered? Surely they are already in a *power* position *vis-à-vis* their children? These questions arise from our confusion of *power* with *empowerment*. Parents need to be empowered *as parents*.

For most tasks in life we have to have some training or qualification. But for parenting no such training or qualification is required. Becoming parents results from a biological process—if we are natural parents—or from a social process—if we are step, adoptive or foster parents. But being a parent does not necessarily equip us for the task of parenting. And what an important task this is.

The important role that the family plays in preventing juvenile offending in South Africa is clear. To quote from the Background Document of this workshop:

> The family is the single most important environment in a child's development. The quality of parenting and the type of education which takes place in the family context is considered to have considerable influence on later life. The family is in an ideal position to function as the primary, most essential and most comprehensive behaviour-regulating system. The ability of the family to function effectively is a crucial determinant in the prevention of delinquency. Families have to perform a number of important tasks when bringing up children and the success with which parents are able to perform their roles is a major factor in determining whether children grow up to be responsible and mature adults.

With the number of young people being involved in criminal behaviour—estimated at 120-150 per 1 000—it is safe to say that the family in South Africa is not successfully performing these important tasks.

In fact, the Background Document identified a number of problems which relate to the family, including "the alienation of South Africa's young people from the community, school and *home* environment; the inability of modern families to provide the nurture and support needed during childhood and adolescence; the inadequate discipline and social control exerted by families".

There are many reasons for the inability of families in South Africa to perform their tasks more adequately. Among these are poverty and all its concomitant

problems; inadequate social services, including schools, health services and welfare facilities; the breakdown in the extended family; and an increase in the number of single parent families.

There are many ways to support and assist families to fulfil their roles more adequately, such as financial support from the state; programmes for pre-school children; after-school care; holiday programmes; and adequate schooling, health and welfare facilities. But what I want to focus on is a broader concept of empowering parents.

One of the obvious ways of empowering parents is to provide them with advice and guidance on parenting—covering such aspects as basic care of infants, dealing with two-year-olds' tantrums, child development, discipline, etc. But this is only one aspect. Providing parents with information—although not totally without value—is of very limited value unless they are empowered, both as people and as parents, to use and apply the knowledge so gained. Change is a key element in empowerment, particularly change—

- from ignorance to knowledge;
- from poor self-image to good self-image;
- from hopelessness to hopefulness;
- from captivity to freedom;
- from being controlled to controlling;
- from being organized to organizing;
- from receiving to giving.

In essence, empowerment is change from passive acceptance to active participation.

Many parents are trapped in a vicious circle of poverty and powerlessness. This is particularly true of mothers, who, in most families, carry the primary responsibility for parenting.

Parents need to be empowered to take charge of their lives, to be able to accept the responsibilities of parenting—not to passively accept whatever comes their way, or to place the responsibility or blame on someone else. How often do we hear the following: The clinic must see that my child is immunized; the school must ensure that he attends school regularly and does his school work; the police must stop him from committing a crime; and in our area, all the girls have babies by the time they are 16, none of the teenagers listen to their parents, all the children play in the streets and all the men get drunk every week-end.

The process of empowerment is more important than the content. For example, in parent education a lecture given by an expert—although containing excellent information—can be totally disempowering to parents. Less edifying information conveyed by a community member in a group, in which all parents feel free to make a contribution, *is* empowering, and the empowerment extends beyond the knowledge gained on parenting. Important aspects of this process of empowering parents are affirmation; giving *and* receiving information; rehearsing and testing behaviour; sharing of problems and solutions; and asking *and* answering questions. Through this process parents gain confidence and self-esteem, they feel more in control, they feel more knowledgeable, they feel more hopeful.

If parents are to fulfil their important parenting roles adequately, they need to feel competent in these roles and they need to be able to exercise their authority as parents positively and confidently—without opting out or resorting to violence. This they can only do if they feel competent and confident as people—which is the essence of being empowered.

Primary prevention and the school

Mr Fanyana Mazibuko
Foundation for the Advancement of
Science and Technological Education and Research

Ladies and Gentlemen, I feel very uncomfortable at having to discuss this topic, because I am unable to give a global view of the ideas that are relevant simply as a result of the nature of our society. However, I have been able to combine my ideas and views, arising mainly from the African context of my teaching experience, with those of some of our white compatriot schools.

In order to understand what happens between the school and the child, we have to have a clear view of what we consider the aim of education. I believe that we can reduce everything relating to education to its three objectives:

- We educate our people in order for them to obtain information and skills to be able to make a living. Some people scoff at this objective, but it is a reality.

- We educate our young people in order that they understand the world. This will equip them to make decisions based on solid information. These decisions are about life-style, religion, politics and so forth.

- We educate our young people in order that they know what ought and what ought not to be done. We do this by a host of means, such as direct religious instruction.

Numerous research results indicate that these objectives are not generally realized, particularly in South Africa. The first objective, namely to teach in order to impart information and skills that will enable young people to earn a living, is not being realized, particularly amongst African young people. This can be seen from the 39 percent pass rate amongst African matriculants versus the 98 percent pass rate among white matriculants. This factor correlates clearly with the number of young people who are arrested, charged and convicted of various crimes. If you look at the newspapers on a daily basis for the next two weeks, and check who commits what, you will see that young black people are at the greatest risk—they are more likely than any other young persons to commit some crime. Whether they are

arrested or not, you will find that the newspapers report them as having committed a crime. This is clearly linked to what happens in the school.

This is not only a question of bad performance in schools—but also of schools having progressively less influence over what young people do. An American black educator, Zufelt*, reported in 1950 on a study which indicated that the institutions that have the most influence over children are—in order of importance—the home, the school, the church, the peer group and television. In 1980, when the study was repeated, the order was the home, the peer group, television, the school and the church. Although I am not aware of any research done in South Africa on what has happened in Soweto in terms of this hierarchy, it is quite clear from observations and anecdotes that the same trend has in fact emerged in a dramatic way since 1976, and for various reasons.

It is time that it becomes our goal to reverse this process. The school is beginning to lose its influence with our young people.

Firstly, in the latest publication of the Education Foundation, *Edusource*, there was a clear indication that where teachers have low qualifications, the performance of their pupils is poor. It is also indicated elsewhere, including on pages 17 to 21 of your document, that poor performance in schools in fact predisposes young people to juvenile offending. If you look backwards, therefore, you will realize that our teachers are part of the problem. Focusing on them, can therefore be part of the solution. We need to ascertain if our teachers understand their task. They should be so well-versed in their task that they need not resort to the negative responses that inefficient teachers commonly resort to, such as corporal punishment, verbal abuse, and other unacceptable responses.

Secondly, the educational environment of these young people is an important factor. I believe this environment, which includes the three areas that I mentioned, has a bearing on the outcome of education. For example, schools in Soweto generally have an unattractive environment which discourages children to go to school. There is a host of reasons for the deterioration of this environment to the present extent. Let us not worry about this but rather about the fact that this is the time when the reconstruction of our schools can in fact take root. Reconstruction of our schools will be accepted by the people in the townships. One way of reconstructing these schools is by actually involving the children and their parents in order to link the school to the home. As we saw, the home apparently still remains an important factor in determining the character of the young person, but this does not necessarily mean it has positive results. If, for example, the parents are *semi-conscious* all the time and do what boxers normally do in the ring, then

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* I thought that American society was integrated but it is not, since this information is based on Komzufu's observation of predominantly black schools in the inner city of New York and other American cities.

the young person will be negatively affected. By bringing the home and the school together, the two institutions can have a positive mutual influence on each other. This can be done in such a way that the parents and the students would like to reconstruct the school. Meanwhile, business and industry can be involved to assist by providing physical resources since the next or the new government will not have the resources to help with this. It is in the interests of everyone that these institutions be reconstructed.

There is a host of other matters that I could raise, but unfortunately I have run out of time. I would like to point out something else written by an American in a book called *Mega skills*, which is distributed by the Urban League. The book is predominantly meant for parents, and to empower the home. However, having read through the book, I found that the skills which young people have to be taught in the home are in fact the same skills which have to be taught to them in the school. The skills that have been taught at home should therefore be reinforced by the school. What is also mentioned is that sometimes the homes are such that we as parents ship off our children to school and say: "Teacher, you see what you can do to produce a good product in the end—I am off to earn a living." If this is the situation, we need to look at the skills mentioned in *Mega Skills* and make sure that we, as teachers, and as others who work with young people, are imparting these skills to the young people in our care.

Primary prevention and the community

Mr Isaac Meletse
South African National Institute for
Crime Prevention and Rehabilitation of Offenders

As South Africans we are living through history in the making. We are experiencing major social changes. Our society is characterized by a level of violence never before seen in this country. South Africa has one of the highest crime rates and prison populations in the world.

Although crime begins within the social structure of a community, it spills over to affect all other aspects. By working with the cause, we can stop the effects and create a safer South Africa for everyone. We are all affected by crime, and we are all responsible for the healing process.

An analysis of the latest population census reveals that more than 52 percent of the South African population are under 24 years of age (Central Statistical Service 1992). Within the disadvantaged communities we can assume that this percentage is even higher. The South African socio-political situation has given rise to a number of social problems.

- Primary education is not compulsory in disadvantaged communities, resulting in a large number of children not attending school. An unacceptable education system has forced the youth to the forefront of resistance to apartheid, giving rise to a high drop-out and failure rate.

- The migrant labour system has caused many young people to grow up deprived of a father figure. Our urban system, where both parents have to enter the labour market, leaving the children to their own survival, has resulted in a lack of discipline among some of the youth. Other social problems, such as divorced parents, imprisoned parents and illegitimate children growing up with grandparents, exacerbate the situation.

- These problems have been aggravated by a high rate of unemployment among the youth. It is generally accepted that more than 40 percent of the economically active population are unemployed—a total of more than 4.6

> million people, excluding those in the homelands (South African Institute of Race Relations 1992:245).
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> No statistics are kept for unemployed black people since these statistics do not accurately reflect the situation. The important trend to observe, however, is the fact that young people find it increasingly difficult to enter the labour market. In the coloured community, for example, it was found that 59 percent of the unemployed are under 25 years of age (South African Institute of Race Relations 1992:243). The aspirations of the youth are therefore frustrated.

South Africa has the second largest prison population in the world. On 30 June 1991, 35 034 young people under the age of 25 were in custody. The black youth represented 72 percent (25 254) of this total, the next largest sector being the coloured youth (9 750) (Commissioner of Prisons 1992:41).

Despite the above realities and the media stereotypes portraying the youth as violent and delinquent, the largest percentage of the youth are serious about furthering their schooling, skills training and employment opportunities. It is therefore urgently necessary to devise integrated strategies to address the needs of young people.

To begin anew, the main focus of our activities should therefore shift towards addressing basic needs in order to prevent crime. It goes without saying that proper housing is urgently needed to strengthen the family.

It is currently a time of broadening horizons and new challenges. Young people have evaluate their attitudes towards people of other races and other political persuasions. They have to decide where they stand in relation to community issues such as rent boycotts, political protests, unemployment, poverty and so on. Conflict with people of authority—parents, teachers—should also be looked at. Youth programmes should be developed to help our young people understand this network of relationships.

Young people should be given a chance to speak about their problems because sorting out relationships is one of the most important growth areas for any teenager—relationships with the opposite sex, with authority figures, with friends, with family, with people of other viewpoints, with the community. Young people need to learn how to resolve conflicts, to trust and earn trust, to communicate and to negotiate fair solutions.

Work at school as well as preparing for employment in adult life are also real challenges to young people—starting with how to discipline yourself to study successfully, how to speak, read and write effectively in English, how to choose a career field, which goes hand in hand with choosing the right school subjects, how to apply for a bursary and a job, the keeping of appointments and meeting performance deadlines. Young people should know and be taught all of this.

A lot can be done to help the youth to achieve greater success at school and prepare themselves to get and keep good jobs. One essential requirement is realism—about their own abilities, entrance requirements for various careers and fields of study, how much they will earn, and how fast they will be promoted.

It is not easy for young people to accept that competition is fierce and that standards are high. We should help young people to face themselves and the opportunities open to them with realism, confidence and determination.

Young people need to develop a healthy attitude toward recreation. They need to learn to strike a balance between work and recreation. A fulfilled person does not just live to work or make money. Young people need to have a chance to learn about and try out different kinds of recreational activities that will provide development opportunities for talents which do not get used at school or in careers; talents that are sports-related such as soccer and tennis, talents that are creative such as drama and music, and talents found in hobbies such as collecting and making things.

Young people need to learn how to feel comfortable about being alone—not an easy task. They need to express their creativity in activities other than work; they need to get out in nature to appreciate the beauty of our world and the need to keep it that way. Young people need to find healthy ways to relax, to recharge their batteries, to escape from the tensions of modern life for a while so that they can face the world again—refreshed.

Young people need to understand and accept that they should look after their health by eating healthy food and getting enough sleep and rest. And they need to know about drugs, alcohol and permissive sex, and the dangers that accompany these things.

It is of no use to try and hide our heads in the sand. These things are real—they are there, they are happening in our society.

All this brings us to another thorny issue: *money*. Today, young people live in a world of peer pressure and advertising. Everything seems to suggest it is normal to have lots of money—and certainly everything *costs* a lot of money. Yet most of our young people live in a society beset with poverty. People are unemployed. Old people, disabled people and children are starving. Young people need to develop a realistic approach to money and the things it can buy.

Beliefs

Whether they are conscious of it or not, young people are developing their own beliefs, values and faith by which they will in most cases live the rest of their lives. They are asking questions like: Where do we come from? Why are we here? Where are we going to? Is there a God? Is there any cosmic force of justice or is there just blind chance? Are there any eternal values, or is what works right? Should you be kind or smart? Should you not just look after yourself?

Having said all of the above, it should be clear that primary prevention in the community should firstly, be the responsibility of parents and secondly, of social work practitioners, since there is no single organization which can meet the needs of our young people.

Community-based social workers from different agencies are therefore in the best possible situation due to their awareness of the strengths and weaknesses of their communities, and their knowledge of how to strengthen networks between communities and support systems in their own communities. However, support systems in their own communities should not be the last resort to strengthen the network, since valuable input can be obtained from the macro system.

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Support networks: Forming attachments between family, school and community

Mrs Evanthe Schurink
Human Sciences Research Council

Introduction

One common conclusion woven throughout the findings of the research on juvenile offending was that the causes of juvenile misconduct can be linked to the *marginalization* of young people or their *disconnectedness* from society. It has been pointed out that juvenile offenders often display a lack of bonding with family members and society. These youngsters exclude themselves from the network of social support which is vital to the development of social skills and moral values. The answer to the primary and secondary prevention of juvenile offending is therefore locked in the *bonding process* which takes place between the child and important others in his/her life. Young people need to have a social support network and must have a *sense of belonging* before they will be able to accept responsibility and act responsibly.

Interventions at a primary level must therefore be designed to address the factors that precede juvenile offending, namely poor school achievement, truancy and conduct disorders, rather than juvenile offending itself. This calls for three comprehensive strategies to prevent offending: (1) the development of strong social bonds between the child, the family and the community and the replacement of negative support networks with positive ones by creating opportunities for the positive involvement of families, schools, communities and peers; (2) the acquisition of social, cognitive and behavioural skills to enable successful community participation; and (3) the provision of reinforcements by consistently rewarding pro-social behaviour. The fundamental issue is thus to intentionally develop contexts in which individuals from different social structures can form helping relationships with each other.

The need to talk about the intentional development of attachments between family, school and community points to an important void in modern society, namely the lack of interpersonal intimacy and social bonding between parents, children, schools and communities. Alienation and rejection can therefore be

regarded as the by-products of a society that places a higher value on economic competition and success than on social integration and human development.

The family as support system

The evidence of our research clearly indicates that young people who are not attached or *bonded* to their families, schools and communities are more likely to associate with delinquent peers, and to engage in offending behaviour. Although it is difficult to determine the exact cause of a youngster's detachment from family members, it is often related to economic and social factors impinging on the family's ability to function as an adequate support system.

At the heart of this problem therefore lie changes in the family structure and family roles brought about by industrialization. Parents (of whom an estimated 20 percent are single mothers) are struggling daily to bring up children in a child-unfriendly society where their role as parents is placed only second to their role as producers and consumers. Recent research findings from an HSRC survey on family functioning indicated that support for families is urgently needed and that the promotion of family life should therefore become a priority. When household members were asked whether they felt that they and their families received enough support from their employers, only 34,4 percent of the respondents answered in the affirmative. When the same question was put with regard to services provided by the government sector, only 26,2 percent were satisfied with the amount of support they received from this sector, while 45 percent openly stated that they needed more and much more support.

Because married women now have to be mothers as well as breadwinners, the upbringing of children, which was once the primary responsibility of the family (including the extended family), has to be shared to an increasing extent with social institutions such as schools. The ideal situation would thus be to link the family, the school and the community with the aim to develop a network of social support that could foster social integration and a sense of belonging and attachment in children.

Intervention strategies linking families, schools and communities

Despite the voluminous literature available on social support, there is a paucity of research (especially evaluation research) on *intervention strategies* which are based on social support and the development of social support networks. There is also little consistent evidence that social support, *intentionally provided*, can overcome problems which developed because of an earlier lack of it. Programmes intentionally developed to form attachments between families, schools and

communities with the aim to develop adequate social support networks can broadly be divided into the following categories:

- **Models operating within school bureaucracies**

These models attempt to bridge the gap between home and school. Parents become part of the school system by joining school associations, committees and councils. Very little networking takes place except among the few parents who are actively involved. The school is usually operated as a *depersonalized bureaucracy* based on business or military-like principles, and at-risk children experience *no real sense of belonging* in a supportive environment. Because of structural inefficiencies such as large school size, absence of individual attention, negative labelling and grouping according to achievement, inconsistent treatment and low teacher expectations, the mandated participation of parents in this type of school arrangement generally does not promote bonding, nor does it prevent delinquency (Kagan 1987).

This is the kind of system which generally operates in South African schools. However, the recent changes in the school system where community members are confronting school bureaucracies and demanding *ownership*, or where schools are perceived to be *owned* by communities, could change this model to that of the community control model where parents set new demands for changes in school systems (Kagan 1987).

- **Models operating outside school bureaucracies**

The emphasis of these models is not on improving school systems but on creating alternatives to conventional schooling and to building social support networks by establishing new agencies and systems outside the school system. In the USA, efforts to develop new programmes came from federal government, foundations, universities and local community groups. These programmes are usually operated at pre-school level and are aimed at preventing deficient intellectual development in high-risk children of disadvantaged families. Pre-school programmes, of which the American Perry Preschool Programme received national recognition for its positive impact on delinquency, proved to be very successful. Other examples of these types of programmes include marriage and family enrichment programmes; education and guidance for better parenting, such as Parent Effectiveness Training; developmental day-care centres financed by the state and by industry; home-visitor programmes that provide professional, informal and social support to families with young children of disadvantaged communities with the aim of primary prevention, such as the Home Start Programmes; referral/information centres and help lines to provide links between parents and professional services, such as the Child Care Switchboard and the Child Care Resource Centre in Cambridge, Massachusetts;

toy-lending libraries, which increase both material and informational support to families and facilitate positive social interaction with family care givers; and parent group programmes where parents experiencing the same kind of problems support each other.

Ideally speaking, all family intervention or early childhood prevention programmes aimed at strengthening families as support systems should consist of more than one type of support, for instance home visits coupled with developmental day care, toy-lending libraries and self-help groups for parents. In this way parents are both the recipients and the providers of support to other parents by means of peer support and formal and informal support systems. Families cannot be regarded separately from the communities that they live in, and all family support programmes should be carried out in the context of a community within the broader society. Unfortunately, because of the community perception that these programmes are very expensive, and because of a lack of funds, these programmes are often short-lived.

• Another type of intervention model **operates within the school system**. It seems to be logical that if pre-school interventions can increase cognitive abilities and influence delinquency rates, then In-school interventions should produce the same or better results. However, since patterns of misbehaviour are established at a young age, school-based intervention need to be more intensive than pre-school intervention. School-based intervention could fall into five main categories, namely:

- **Individual or group therapy** (which includes behaviour modification) provided to at-risk pupils by school psychologists and social workers. Recent evaluation studies of these types of intervention concluded that such programmes have very little evidence of success in preventing juvenile offending. Furthermore, such types of programmes are generally expensive and time consuming.

- A second type of intervention that deserves attention is the **pro-active classroom management system** where teachers are taught how to create and reinforce a positive environment for learning in class and to teach interactive learning skills. Pupils work in teams and receive recognition for team efforts. Evaluation of this type of programme indicated that pupils showed some improvement in school achievement but showed little change in bonding. The programme also had no real effect on juvenile offending.

- A third type of intervention is based on **co-operative learning arrangements** where organizational changes are made to assist targeted pupils to improve their behaviour. In this type of programme teachers, children and

parents are involved in *decision-making concerning management issues*. Homogeneous groups of pupils are put together to work in teams. One component of this programme is the *home room* class which stay with one teacher for at least three years. Schools involved in these types of programmes generally reported reduced levels of juvenile offending.

- A fourth type of intervention strategy aiming to form attachments between the family, the school and the community is the **school team approach.** It is based on the successes of substance abuse prevention and was implemented in 200 American schools for a period of two years. Teams consisting of parents, students, school staff and community residents were trained in a two-week session to deal with problem behaviour in school. Group members had to develop an *action plan* which mostly consisted of setting up a time-out room for disruptive students, making home visits to problem students and using students as peer counsellors. Although the results of these programmes were varied, more success was generally achieved in primary schools.

- One of the most promising intervention strategies to form attachments between family, school and community is the **community school.** This model involves a total restructuring of both the school curriculum and the setting in which education takes place. Education is not merely academic but is directed to the child as a total person and therefore aims to promote learning, bonding and pro-social behaviour. Interventions include co-operative arrangements between administrators and teachers, participatory decision-making, the school team approach, creating a shared value system, interactive teaching, individual attention, self-help groups for parents and children, peer counselling, and parent and community education. Community school settings imply that schools must be opened to the community and used as support systems to community members and that community resources should in turn also be utilized by schools. The school and community should thus not only co-operate in the education of its children, but schools must become involved with the education of all the members of the community. Although community schools are a relatively new development, projects showed a marked decrease in the disruptive behaviour and delinquency levels of pupils. The pupils had a more positive attitude towards school, higher expectations for the future and a greater commitment to schooling. Community schools also provide community members (especially those in disadvantaged communities) with an important empowering tool.

Insights gained from the research

Firstly, the research indicated that there is hope for primary and secondary interventions to prevent juvenile offending in the South African context, but also that intervention strategies require a *new mindset*. This new mindset requires of us to admit that traditional crime prevention strategies aimed at at-risk pupils such as group and individual therapy do not necessarily bring about the desired results. New unconventional strategies need to be developed. These strategies should be based on a comprehensive approach and directed at the child as a total person. They should be directed at at-risk groups such as children from disadvantaged communities, and not at at-risk individuals. Primary prevention should focus on conditions prior to offending behaviour such as poor academic achievement, school drop-out and misconduct, and not on juvenile offending as such. Programmes should consist of different components such as home visits, peer counselling, self-help groups for parents and so forth. Intervention should take place as early as possible and it should be undertaken within a community setting. Finally, it is essential that proper evaluation strategies are part of all programmes to determine process and outcome effectiveness. We can no longer afford to fund primary and secondary interventions without demanding accountability in terms of the outcome.

Intervention strategies where attachments were intentionally formed between schools, families and communities proved to be the most successful to prevent juvenile offending. The success resulted from the building of strong social bonds between the child, the family and the community, the replacement of negative support networks by positive ones; pupils' acquisition of social, cognitive and behavioural skills to enable them to take part in their communities and to make use of community resources; and constant positive behaviour reinforcement by providing consistent rewards for pro-social behaviour. The fundamental issue is thus to intentionally develop contexts in which individuals from different social structures can form helping relationships with each other. Because school social workers are in the best position to identify problems at an early stage and to provide a bond between the individual child, the school, the family and the community, they are ideally suited to undertake the task of developing community schools.

The role of the school social worker within the community school framework

In order to grasp the true meaning of the community school arrangement, it is firstly necessary to point out the difference between a community *as locality* and a community *of interest*. *Community as locality* refers to small areas or neighbourhoods in which families live together. Such communities may or may not

share mutual interests or values. A community of interest is usually not confined to a common geographical area, and the members are bound together and support each other because of shared interests and/or problems. School social workers are primarily interested in creating communities of interest because such communities provide a ready-made framework for the development and co-ordination of a network of formal and informal support that can be used to the benefit of the school and the community.

Social workers can and should play a major role in schools. The *school is a strategic setting for the development of preventive services, and social workers are in a strategic position to identify problems at an early stage*. Furthermore, social workers can form that important link between the child, the school, the family and the community. "Thus she is in the position to help child, parents, and community develop school competence and, at the same time, to help increase the school's responsiveness to the needs and aspirations of children, parents and community" (Allen-Meares *et al.* 1986:211).

School social workers operating within the community school environment could use the social interaction model that emphasizes reciprocal influence between individuals and groups. The school social worker thus acts as a mediator between the pupil and the school and between the school and the community (Allen-Meares *et al.* 1986:27-30).

A combination of an increase in social work knowledge and skills concerning groups, families and communities, and a shift to a developmental community approach have created new directions for social work practice at school. These new approaches require of school social workers to deal more realistically with communities and families (Allen-Meares *et al.* 1986:59). *This implies that schools must be opened to the community and used as support systems to community members, and that community resources should be utilized by the schools*. The school and community should thus not only co-operate in the education of its children, but schools must also be concerned with the education of all the members of the community (Morrow 1987:iii). This approach will enable the school social worker to deal with difficulties related to dual-career families, family breakdown, juvenile offending, alcoholism and drug abuse, youth unemployment, etc. (Allen-Meares *et al.* 1986:60).

The development of networks is a valuable intervention tool for the school social worker since one system can be connected with another in such a manner that each performs a helping function towards the other. *Networking provides the school social worker with the ideal tool to utilize and co-ordinate formal and informal support systems to the benefit of the individual tutor, client or group*. The school social worker will thus be able to develop a network of support services by enabling others to help themselves.

Networking involves the extensive use of trained community members acting as volunteers. The pool from which volunteers can be drawn includes people from

the business community, retired citizens and college students. A wide variety of services can be provided by trained volunteers, including tutoring students and lay counsellors. Acting as mentors and role models, they can enhance pupils' appreciation of art and culture, organize and operate computer labs, teach drama, organize choral and musical events, help with field trips and act as surrogate grandparents. The task of school volunteers can be summarized as enriching the personal and other life experiences of pupils and acting as a bridge between the school and the community (*cf.* Michael 1990).

Social workers need to realize that *community networking* is the most cost-effective strategy for the prevention of social problems such as juvenile offending. Social workers are in the unique position to empower communities by creating community awareness of neighbourhood strengths and needs, strengthening neighbourhood helping networks and forming relationships between lay and professional helping networks and the macro system. Empowerment is one of the most highly valued benefits that community members can attain. By being linked to each other and with the professional helping network, emerging problems such as juvenile offending can be prevented instead of treated. Empowerment increases energy, motivation, the effectiveness of coping and problem-solving skills, decision-making power, self-esteem, self-sufficiency and self-determination of community members. Thus community-based social workers can be most effective (in helping community members to reach their ultimate potential) when they work together with networks and support systems available in the community. Networking provides the social worker with a powerful tool for the primary prevention of social problems and for the enhancement of the quality of life of community members.

After the home, the school is the most important institution that affects the development of children. If one takes into account the amount of time a child spends at school during the formative years, it is obvious that this institution can have a considerable impact upon a child's behaviour (NACRO (National Association for the Care and Resettlement of Offenders) n.d.). *The school is the ideal environment to detect asocial and pre-delinquent tendencies and to adopt school management policies aimed at directing young people away from delinquent behaviour.*

The primary goals of the school are: (1) to teach values and proper conduct and to promote consistent discipline, (2) to provide a curriculum which offers all pupils the opportunity to develop the knowledge, skills and social awareness that will equip them for adult life, (3) to teach social conformity that corresponds to current societal styles and needs, and (4) to support young people in trouble in the school and the community (Allen-Meares *et al.* 1986:45).

The traditional role of the school, with the emphasis on teaching pupils the three *Rs*, has thus changed dramatically. The emphasis of the school should no longer only be on maximizing the learning process, but should also be on the

elimination of factors that may have a negative influence on learning and the development of children to their full capacity (Ogden & Germinario 1988).

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Identifying and responding appropriately to young people at risk

Mr Alan Jackson
Cape Town Child Welfare Society

I am very pleased to be contributing to this important debate on preventing juvenile offending. It is important to me for two reasons:

- As a result of apartheid and the concomitant breakdown of community and family life, the number of potential young offenders is enormous.

- We are concentrating on a preventive strategy, rather than trying to pick up the pieces as we have done for so long.

The topic I am addressing today is a tall order. It is for this reason, I believe, that many of us have chosen to avoid addressing it.

I will be addressing the problem, not in the sense of giving an overview of all that could be done in this regard, but by presenting a concrete programme of action which could immediately be implemented. Indeed, the Child Welfare Society in Cape Town is already doing so.

Background to the programme

The majority of young offenders are behind police or prison bars, in places of safety, schools of industry or children's homes, or on the streets. This is due to socio-economic factors confronting parents, such as lack of housing, unemployment and poverty, and the social problems to which these factors so easily give rise—neglect and physical and/or sexual abuse.

Informal settlement areas, which have mushroomed after the recent removal of restrictions on urbanization, have a particularly high incidence of such social problems.

Young offenders are frequently caught up in a simple but devastating process: The youth become more aware of the poverty and breakdown of home and community life, and are frequently victims of abuse. Their school work begins to deteriorate, the teacher-pupil relationship takes a knock, and the pupils feel more and more uncomfortable at school. Increasingly more time is spent away from

home, roaming the streets with friends or gangs. Playing truant begins. Youths may begin to sleep away from home, and to beg at or near shopping centres. They become involved in crime and, as their confidence increases, a move into the suburbs or into the central city takes place. South Africa's cities abound with street children. (It is estimated that the central city of Cape Town experienced an increase of 15 percent in the street child population in 1993.) Young people may come into conflict with the law at any stage in this process.

How do we identify young people at risk?

It may be argued (and the argument would have a great deal of merit) that all young people in poor communities are potentially at risk. It would follow, then, that what is needed is a primary preventive programme, improving the living conditions of communities. This is indeed the case, and is receiving attention (and must receive more attention) at all levels and within all sectors of our society.

I would argue, however, that the influence of such a programme will be slow, not least of all because of limited resources, and that intervention is equally required at the secondary preventive level. It is to this level that I would suggest we must also give attention—the level of the young person who is beginning to spend more and more time on the streets, and/or beginning to play truant from school.

Objective of the programme

The objective of the programme of the Child Welfare Society in Cape Town is to provide support to young people who drop out of school or begin to roam the streets, and their families. This support is primarily offered through a community development-orientated programme aimed at reducing the number of children who leave or are removed from their families and communities.

Implementing the programme

I would suggest that the employment of street workers (who come from the kind of communities in which they will work) is central to carrying out this programme.

The tasks of the streetworker would be to:

- Identify young people spending a great deal of time on the streets, or playing truant from school.
- Reintegrate them with their families and their schools (where at all possible).

- Improve the functioning of the families and schools involved, so as to facilitate reintegration.

- Improve recreational and sporting opportunities for young people.

- Assist the community in finding and providing solutions for young people who do not have families or are unable to return to them.

- Empower the communities involved to drive the process.

The role of the street worker

The role of the streetworker would be to:

- Identify, together with the community, the youth at risk, such as those playing truant from school, and/or spending a lot of time on the streets.

- Facilitate the provision of recreational, sporting and informal education programmes in conjunction with the community.

- Provide physical and emotional support to the families of young people who are at risk. Physical support could include food and clothing, and emotional support could include imparting parenting skills or modelling appropriate responses to children.

- Present workshops on the issues pertaining to young people and their needs, causes of the problem and ways in which the community can become involved and assist to overcome these problems.

- Teach parenting skills to the community members assisting in this work.

- Initiate a community development programme to deal with the problems encountered.

Key principles of the project

- The support provided will be of an *enabling* kind. Families and communities will be assisted to develop themselves.

- Community education is a vital component in raising awareness about young people at risk and their needs, and in facilitating the needs of young people and in improving their quality of life (through networking, linking and advocacy).

- Where the reintegration of young people into their own families is not possible or viable, alternatives will be sought within the community, welfare and other organizations, as well as with central and local government agencies who are concerned with such issues. This should include the establishment of shelters for young people at risk.

Key elements of the project

- Street workers will play an important catalyst role by involving and motivating community members to take on the linking and networking functions with welfare and other organizations as well as central and local government. The incumbents' primary task will be to enable (or *empower*) members of the community to take over these key functions aimed at securing resources to address the young people's needs both within the community and externally.

- The street workers will do the bulk of their work on the streets: The incumbents will work together with members of the community to befriend, build up the trust of and listen to the young people, as well as carefully record needs as they have been communicated by the youth themselves. They will study closely the life-style of the young people at risk to develop an insight into and an understanding of them, their way of thinking, their circumstances and special needs.

- The street workers will liaise and establish links with social service organizations and other resources in order to meet the needs of young persons at risk and their families.

- The street workers will identify young people who appear to be experiencing problems at school within the regular educational system, especially those who are truanting from school and showing signs of poor school attendance. Negotiations with the educational authorities will focus on the need for special education programmes in schools geared towards the pupil who is not coping.

Conclusion

While this programme is limited in its scope, and can only be seen as a contribution to the finding of solutions, the Child Welfare Society in Cape Town is convinced that it is viable, and must be tried.

Because this programme is experimental we will make many mistakes along the way. However, we know we will also learn from them.

SECTION 2

Tertiary prevention

The role of the police within current policy

Brig. Gert Petzer
South African Police

We undertake to ensure the safety of all people in the country through community involvement and the rendering of a professional service.
(Mission of the South African Police)

Juvenile offending

Juvenile offending is multi-causal, but the root of the problem is greatly situated in the family, the political, economic, social and educational systems. As mentioned in the HSRC Special Communiqué No. 4, entitled *How to address juvenile delinquency*, "(p)rimary prevention should be group orientated and directed at events or conditions that occur prior to delinquent behaviour".

According to Bartollas (1990:370) it is estimated that between 50 and 75 percent of police work involves adolescents, either directly or indirectly. He continues to say that very little status is given to juvenile offending by police departments. The members of the police who work with juveniles are even regarded by fellow members as not doing *real* police work. Unfortunately, we experience the same problem in South Africa. Such emphasis is placed on so-called *real* police work, both in practice and in training, that more specialized responsibilities, such as the prevention of juvenile offending, are either neglected or discarded.

Furthermore, the community was not co-opted as partner in crime prevention. Fortunately, the South African Police (SAP) realized that community involvement could have a favourable impact on crime prevention and therefore the Community Relations Division was founded in 1992.

• This document was prepared by Major C.E. Jacobs, Major F.D. Basson, Warrant-Officer J.D. Kapp and Sergeant J.J. du Plessis.

Community policing

Community policing, which provides the platform for change in communities world-wide, is a multi-dimensional model from which structural, strategic and cultural changes can occur.

It is a strategy which adopts a pro-active approach to policing. The station commander is empowered, through liaison and negotiations with the community, to develop a strategic plan to counter crime, public disorder and juvenile offending.

Service-rendering institutions must reach out to one another to create a strategic partnership. By cherishing this co-operation, the SAP can break through the barriers of policing with solutions for the underlying causes of juvenile offending.

What is being done by the SAP at present?

Prevention at primary level

The close co-operation between the SAP and the community is embodied in the founding of certain specialist units, such as the crime prevention and community policing units. The goal of these units is to foster crime prevention awareness through education. This is accomplished by the distribution of crime prevention literature such as posters, brochures, videos, pamphlets, bookmarks, school timetables, stickers, colouring-books, caps and magnets.

This is then distributed at every possible occasion, especially after information sessions at schools, shows, information desks, exhibitions and the SAP museums. The literature and aids are available in Afrikaans, English, Tswana, Zulu, Xhosa, Northern and Southern Sotho, depending on the target group.

Some of the literature is aimed directly at juvenile offending and the prevention thereof. Topics such as drug abuse, malicious damage to property, street fights and shoplifting are dealt with.

The role of the mass media should not be underestimated. Television programmes directed at the youth, such as *Zapmag*, *Tekkies*, *Streetwise* and *Wielie-Walie*, from time to time contain crime prevention hints provided by the SAP. The preventive value of programmes such as *Dossier* and *Crime Stop* should also be taken into account. Potential juvenile offenders could be diverted from deviant behaviour by the weekly reported successes in these programmes.

Prevention at secondary level

Secondary prevention is aimed at the early identification of potential offenders as well as factors which foster deviant behaviour. These prevention measures usually

focus on the family and the school (Jacobs 1990). *Adopt-a-cop* is one such programme that focuses on the school as primary target.

This year-long project was launched in Pretoria in January 1993 and encompasses the appointment of specially selected SAP members to serve specific schools and nursery schools. The children are informed about personal safety and matters concerning the negative effects of juvenile offending. At this stage there are 19 participating schools served by 22 members.

Unfortunately, the Transvaal Education Department was not very susceptible to the programme and initially only agreed to the participation of ten schools. After further negotiations they agreed to 15 schools. The Department of Education and Training did not agree with the project at all, owing to the fact that they could not guarantee the safety of the police members.

Despite the decision of the Department of Education and Training, the headmasters of three black schools in Soshanguve took the responsibility upon themselves to implement *Adopt-a-cop* at their schools. This shows a need and willingness on the part of the community to participate in this programme. It is a pity that red tape should handicap such a project.

The effects of inadequate socialization, the disappearance of the conventional family structure, the latch-key child syndrome and misspent leisure time could be countered by the *Adopt-a-cop* programme. The selected member of the force could serve as a worthy role model and could turn would-be juvenile offenders into law-abiding citizens. In a similar school project in Florida, USA, a 95 percent drop in drug activities was experienced during a period of two years. The *Adopt-a-cop* project has succeeded in organizing positive and uplifting leisure time activities such as the multi-racial veld school at Barberton for 200 high school boys, as well as the training of school bands and drum majorettes at black schools.

A post-box system, which is part of the *Adopt-a-cop* project, enables pupils to inform their school's policeman about crime, as well as personal problems. This has led to an increase in the reporting of crime and the uncovering of victimization. Such successes include, for example, the uncovering of an AK-47 assault rifle.

Prevention at tertiary level

The Pretoria Youth Offender School was instituted after research on shoplifting had revealed that an educational programme was necessary to expose the juvenile offender and his/her parents to the implications of shoplifting, and to further crime prevention at a tertiary level by providing information in order to change the attitude towards shoplifting.

The institution and functioning of the Pretoria Youth Offender School is an excellent example of close co-operation between experts and government departments, such as the South African Police, the Department of Justice, and health and social work services of the Department of National Health and

Population Development. The SAP is willing to function as a roleplayer in the Youth Offender School's programme, but was prevented from doing so in the Cape Province and the Orange Free State.

Children are detained in police cells only if their detention is necessary and if no alternative centres, such as places of safety, schools of industry, etc. are available. On the day of arrest the police submit a notice of detention to the regional co-ordinator concerned at the Department of National Health and Population Development. This notice enables the co-ordinator to inform the social workers of the child's detention so that they can assist the child. The police officer responsible for the child's arrest and subsequent investigation also has to inform his/her parents of the arrest. (Both these notifications are prescribed in Section 50(4) and (5) of the Criminal Procedure Act, 1977 (No. 51 of 1977.)

The police are furthermore responsible for conducting the preliminary investigation within 48 hours, after which period the child must be brought before the court where it will be decided whether further detention is necessary.

South Africa, as substantiated by the recent investigation by the working group on alternative centres for children in detention, does not have adequate alternative centres (places of safety, schools of industry, etc.) to accommodate children who have either become involved in criminal activities or who need shelter. This results in children being detained in police cells and prisons.

The SAP believes that children should rather be detained elsewhere, but due to a lack of alternative centres and in the interest of the communities as well as the children involved, they are detained in police cells and prisons.

During the period 1 October 1993 to 30 November 1993, 2 772 children were detained in the following five police regions:

Northern Cape
Orange Free State
Natal
Eastern Transvaal, and
Far Northern Transvaal.

Of these children 1 596 had been arrested for serious crimes, including murder, attempted murder, rape, robbery, housebreaking and theft, theft of vehicles, and theft and assault with the intention to cause grievous bodily harm. The other 1 203 children were also detained for serious crimes, ranging from dealing in drugs and stock theft to reckless driving. (A list of these crimes is available on request.)

The average age of these children was 15 years, and the average period of detention was four to eight days. Of the 2 772 children, only 300 were visited by social workers or probation officers while being detained.

During the period 1 October 1993 to 30 November 1993, 2 391 of these children were released, 636 of whom were placed in their parents' custody. Seventy-six were transferred to schools of industry.

The SAP is in principle in favour of the implementation of a national strategy for the prevention of juvenile offending, since the children of today are the adults of tomorrow. There will however be several practical problems. The role of the SAP will be bound and, in fact, limited by its main purpose, namely to maintain law and order, to investigate any crime or alleged crime, to prevent crime and to maintain internal security in South Africa country (as determined in Section 5 of the Police Act, 1959 (Act No. 8 of 1959).

For the sake of the youth vendettas between individuals and organizations have to be set aside. In fact, the impact of juvenile offending covers such a wide spectrum of specialized areas that it would be unreasonable to expect the South African Police to address juvenile offending as a whole.

While adults are involved in petty fights against each other and the system, the youth is suffering. Instead of criticizing each other, we should join forces to serve the interests of the youth. The SAP advocates the founding of specialized working groups. These working groups should incorporate each and every roleplayer, in other words, they should include the different government departments as well as private organizations and individuals who may be involved directly or indirectly with juvenile offending.

Within the parameters of policing, the SAP is willing to function as a roleplayer and to co-operate in a multi-dimensional working group at a national level.

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Innovative police strategies to deal with young people in trouble

Mrs Fiona McClaghlan
Practicing attorney

As we all know, a child's first interaction or confrontation with the law is usually through a member of the police force. Brig. Petzer is probably not going to be pleased with some of the things that I am going to say, but I am afraid that I have to criticize in order to come up with solutions. The first interaction with a member of the police is a very important one for a child. It has long-term consequences for both the child and the police and therefore the community as a whole.

The police are there to protect, assist and support the communities they serve, and this is the way in which the police need to see themselves—as a serving organization. In fact, much of their time is taken up with plain mediating, facilitating and social service activities, rather than actual law enforcement.

This is quite a difficult time in South Africa's history for me to present this topic since change is taking place so rapidly. The SAP have in fact conceded and accepted that they need to change in order to keep up with the pace of social change and reflect the new social structures that are emerging.

I would like to quickly go through the problems that people encounter with the police at present, before looking at solutions to these problems. Just to list them very briefly:

- **The police image**: The police have a very poor image among the majority of the South African population—and here I am thinking particularly of black township residents. The police have realized this and are trying to improve their image among this sector of the population.

- The police do not receive much **assistance from specialists** in juvenile problems and in the child care field—and they need this assistance. Perhaps there needs to be a special department within the police force that deals solely with juvenile offenders.

- **Children's legal rights** are not properly enforced within the system. There are complaints of assaults, threats against family and children, deaths in detention, torture, etc.

- **Police custody**: The places where children are kept are frequently criticized and there are far too few of them.

- **Awaiting-trial periods** are far too long and there is a failure to institute the criminal justice process, or a tendency to take too long to do so.

- **Failure to notify parents**, guardians, relatives, etc. of a child's arrest.

- **Charges**: On which type of charges do police arrest children? Whose values are they representing? Children have complained to me that they have been arrested and spent a week in police cells and have never been charged.

A central data base where people can obtain information about children who have been arrested should be maintained, otherwise one can spend days and weeks traipsing around from one police station to the next—this is particularly important for people who do not have telephones.

The negative effects of the entire process, if not properly handled, need to be considered. The process is very disruptive for children and their families—children get labelled; they enter the criminal justice process; and often never get out.

There are no formal diversionary practices within the SAP to assist them in enforcing their role as law enforcers.

We have to acknowledge that the police have problems, but some of the criticisms that I have listed above cannot always be laid at their door.

The problem of juvenile offending is increasing rapidly. The crimes for which children are being arrested—and here I really include the whole world—are also increasing in severity. We have had some very bad years in South Africa. I am thinking particularly of the 1980s when children were involved in some very horrific crimes, which were exacerbated by political factors and political beliefs.

The police do not receive any special training with respect to child care practices or juvenile problems. Many policemen suffer a lot of frustration—they arrest children and there is literally nowhere to put them. Children's homes do not want to take them or they are full, and places of safety are full. Policemen often say to me: "Where can I put this child? There is simply nowhere to put him."

In this respect, the police are often trying to cope with the system while nobody is helping them cope with the cause. They pick up these children; they sometimes pick up one child time and again for petty theft, and the reason why the child is stealing is the lack of anything to eat at home and no one to deal with the problem.

What do the police do? They keep the children in detention; they prosecute them, and release them into exactly the same circumstances that led them to commit the crime in the first place.

The police cannot always contact parents. Children sometimes give incorrect names; sometimes they say they do not know where their parents are—in my experience with street children, it takes a long time for them to trust you sufficiently to actually release the whereabouts of their parents.

The police are also trying to accommodate a vast, diverse spectrum of cultures, each with different values, and this is also a difficult task.

With regard to the problems and criticisms, I would like to discuss some proposals:

Firstly, with respect to *improving the image of the police*: Brig. Petzer has gone through a number of suggestions and schemes which they are already implementing to try and improve their image. In just the last five years the composition of the police force has changed dramatically in so far as reflecting the wider society. The police need to be visible; to serve their community; to be trusted by their community; to earn the respect of the community because the police-community relationship is a very interdependent one. The police rely on the co-operation of the community to help them in solving crimes and, similarly, the community needs to assist them and respect them in order to do so.

They need to run courses with children in schools and discuss things like the Street Law programme, the rights of children once they are arrested, and the effects of getting involved in crime. In my own community, the police have run various effective programmes with the elderly and with domestic workers on security issues. This increases their visibility, assists the community to get to know who they are, etc.; and breaks down the perception of the police as an alien, invasive force which come into your community and try to impose laws that have been sanctioned by a small ruling group and are rejected by a vast section of the population. This has been a major problem for the police in the black areas.

The police have also done work with gangs in certain areas. Gangs are a very difficult problem to rid a community of. Perhaps one should rather try and reach out to them and improve the situation that way.

Liaison officers, as suggested by some people, are another option. A juvenile liaison officer, that is, a police officer who is specially trained in juvenile problems, could deal solely with juveniles who come into contact with the law, in the working process with other organizations that try to improve the situation for juveniles. Most liaison officer schemes aim at prevention and diversion.

As has already been mentioned, case-workers could also fit into this scheme within the South African Police. Case-workers help juveniles that come into the police system, because the police are often far too overworked and pressed for time to give much time to these aspects.

I also believe that *the police need the assistance and involvement of specialists*, such as social workers. We need far more social workers or probation officers to assist the police.

With regard to **legal representation for the child**: In my mind, one of the most severe indictments of our legal system is the fact that a child is not given automatic legal representation. You cannot expect the child to cope within our complex legal system. In fact, a child as young as seven can be arrested, detained, convicted and sentenced without anybody ever knowing. If there were a legal person assisting the child, a lot of these problems would be obviated and the police could assist in tracing the parents; they could assist in securing that children are properly represented in court and that due process is accorded the child.

Abuse of power within the police force: We have had many years of allegations of assault, deaths in detention and torture. This abuse of power has to stop and policemen have to be held accountable. Children also need to be made aware that they have rights in such situations. We could institute civil proceedings and claim damages. Similarly, parents must be made aware of the fact that you can lay criminal charges. However, if you tell people in the black communities to go to the police station and lay charges against the police, you will come up against a brick wall.

Police custody: The places where children are kept need to be improved. They need to be small, child friendly and appropriate to the particular needs of these children. Some children, and probably the majority, should be returned to the custody of their parents. Others will need to be kept in varying degrees of security, depending on the severity of their crime, their age and whether they are first offenders or not.

Awaiting-trial periods: These need to be kept to an absolute minimum. You cannot have children sitting in police cells or wherever, for weeks on end, waiting for a trial to start.

Another suggestion that I have is the possibility of an *ombudsman* who deals only with juveniles. This person should be an independent, objective outsider who can field complaints about children within the police system.

Parents need to be notified—this is absolutely essential. Parents have a right to know what is happening to their children and where they are, and to be involved in the procedure that takes effect from the arresting stage.

There are other options that have been tried elsewhere in the world. Legalized *police caution procedures*, where the police have an active role in not only arresting people, but also in what happens afterwards, may be set in motion. Although the procedures vary, police officers or panels are set up and they have the right to caution children and to keep them out of the court system. This approach is usually used with minor offences and first offenders—children whom the police believe do not need to go into the criminal justice process. Sometimes

there are inter-agency consultants who help the police in making a decision whether a child should simply be cautioned or whether they should proceed to the court.

Another variation on the theme as practiced in South Australia is the *juvenile aid panel*, where a panel of people—say a social worker, some other expert, a member of the community and possibly a police officer—consider the position of the children who are referred. In fact, Australia's juvenile aid panel practices on the basis that the children have to be under the age of 15 years; they have to choose to go before the panel; they have to make an admission of guilt; and it has to be for a minor offence. The objective is to diagnose the problem and to work out treatment for each particular child. Treatment is usually in the form of counselling and other social services, and/or follow-up counselling services. This approach keeps the child out of the criminal justice system and a criminal record is not set up. Any written report by the panel should be inadmissible in court should the child come before the court at a later stage. The idea is to deal with the problem the minute the child comes into contact with the law and not to let it proceed. This system also frees the criminal justice system—the courts and correctional services—for those children who really need to receive more severe treatment. The resources and staff within these organizations can therefore deal more effectively and properly with those children who really need attention.

People criticize this approach because it is too welfare-orientated and insufficiently couched in the justice system; children's legal rights and rights of due process are overlooked; and sometimes the treatment programmes are far too long when you consider the crime committed. You can however build in protection against this, for example by allowing the child to be legally advised.

There are many alternatives that we can look at and we need to start looking at these diversionary practices and allow the police to work on them. By trial and error we can work out what is best for the South African situation. It is far cheaper at the end of the day—both financially and emotionally—to deal with children properly from the very beginning and not to start dealing with their home problems the third time that they have been arrested. However, in order to work efficiently, the police also need the buffer and support of a network of other organizations and services.

Processing juveniles through the court system

Mrs Rachel Sempe
Provincial Administration of the
Orange Free State

Introduction

I have chosen to address this topic from a social work perspective and have drawn heavily from three sources, namely

- the Report of the Working Group on Alternative Centres for Children in Detention;
- the Department of Justice: Bloemfontein;
- the Provincial Administration, that is, the social worker—appointed court officer—serving the magisterial district of Bloemfontein.

Statistics

According to the Report of the Working Group, for the period August/September 1992 there were:

- 865 juveniles below the age of 18 years awaiting trial in prisons;
- 726 of the same age group awaiting trial in police cells;
- 3 458 juveniles between the ages 18 and 21 years awaiting trial in prisons;
- 559 juveniles below the age of 18 years serving prison sentences during the same period;
- 7 136 youths between the ages 18 and 21 years serving prison sentences.

The above figures do not include juveniles processed through court and placed under the custody of a parent/guardian, and those warned by the magistrate and discharged.

The vast majority of the children are from underprivileged communities and are detained for economic crimes. The areas with the highest figures are Natal, South-Western Cape and the PWV. Given the figures for juveniles processed through the court system, as well as the reasons and factors leading to juvenile offending, it may be concluded that, sadly, more and more children are coming into conflict with the law.

The role of the social worker

A social worker is appointed as probation officer by a state department and, in terms of the Probation Services Act, performs the following tasks:

- the investigation of the circumstances of the juvenile offender with a view to reporting to the court on his treatment and committal to an institution as well as the rendering of assistance to the family;
- the planning and implementation of prevention programmes;
- conducting information classes.

The process of the court system

After an arrest has been made by the SAP, the juvenile is brought before court. Depending on factors such as—

- the nature of the crime;
- presence and support of parents or guardians; and
- public safety,

the juvenile may be—

- released into the custody of a parent/guardian pending finalization of the trial; or
- detained at a place of safety.

This procedure is not utilized in outlying magisterial districts where infrastructure for the handling of juveniles who have transgressed is absent.

As we move in the direction of tertiary prevention, the assessment of juveniles during the first phase of court appearance is a necessity. Assessment makes provision for the early identification of problem areas for intervention and for possible diversion (a topic which will be dealt with later this morning).

Such an assessment procedure has been in operation through the efforts of the Department of Justice in co-operation with the Bloemfontein Provincial Administration office. The court officer is notified of each court appearance of a juvenile under the age of 18 years who is charged with a minor offence and, in consultation with the control prosecutor of the district courts, an assessment is made. The case is remanded for one week, enabling the court officer time to evaluate and make necessary recommendations with regard to the desirability for diversion or prosecution. In the case of diversion, the case is postponed for six weeks.

During this period the juvenile joins a group work project (known as Information Class). After exposure to the prevention programme, and depending on the progress made, the court officer submits a recommendation to the Department of Justice with regard to withdrawing the charge or pursuing prosecution. In a situation where prosecution is recommended, a pre-sentence report is submitted, recommending possible alternatives for consideration.

This prevention programme has been in operation for a year and has elicited positive results and community support. This is the ideal situation we all desire. However, the roleplayers in the process have practical realities to contend with, namely

- lack of manpower, distance, limited kilometres allowed (that is, probation officers (court officers) are unable to ensure that assessment of juvenile offenders is made during the first phase of the court process);

- lack of support from parents/guardians, resulting in the continued detention of juveniles, which delays the court process;

- children from self-governing and independent states arrested in the RSA are subjected to prolonged detention due to a lack of co-operation, and tedious and at times inadequate channels of communication between the departments concerned.

These practical realities in themselves dictate that effective prevention and treatment programmes should be designed. In facing this challenge, I wish to stress our shared responsibility in making a difference in the lives of our children who have transgressed the law.

The role of places of safety

Until the courts have established guilt or innocence, places of safety are a valuable resource for the detention of juveniles awaiting trial. A place of safety with trained personnel constitutes the second phase where further assessment is made and a treatment plan established by a multi-disciplinary team. Valuable inputs can be made by the team by way of assisting the probation officer to make appropriate placement recommendations to the court.

Places of safety also serve as detention centres for juveniles convicted of crimes and awaiting designation to schools of industry or reform schools.

The success of the court system is dependent on the effective functioning of support structures such as policing, probation services, places of safety, etc. The following issues should receive urgent attention:

- the provision of more manpower and facilities;
- the establishment of an assessment procedure;
- legal representation for the juvenile;
- empowering parents in respect of their supportive role during this process;
- addressing the night duty allowance for care and security personnel at state institutions which are currently experiencing labour unrest (strikes are often accompanied by intimidation and detrimental behaviour patterns which the children in the institution adopt as a way of life);
- promoting the involvement of the community in tertiary prevention programmes.

In conclusion, the prevention of juvenile offending is a team effort and I have no doubt that as partners we can make a difference in the lives of our children by rendering a meaningful, efficient and effective service.

How the courts should work

Ms Shireen Said
& Ms Jenni Eksteen
University of the Western Cape

Introduction

My time is limited and I will therefore proceed to the crux of the matter. Having monitored as well as assisted in the magistrate's courts for the past two years, I have found that the following aspects require immediate attention:

- personnel,
- court structure,
- notification of guardians, and
- legal representation.

These are only the most important issues. I will now deal with them in greater detail.

Personnel

It can safely be said that at present prosecutors in general are in no way properly trained to deal with the issues with which they are faced. In my opinion the prosecutors use the juvenile court as a training ground. Therefore we require the following, especially since we will have to endure the present system for a while:

- All prosecutors as well as magistrates should be specially trained to deal with juveniles; moreover, they should be sensitized to the background of most of these children. It is by now obvious to most of us that we are not only dealing with a criminal problem but also a socio-economic problem. It must also be mentioned that it is the police as well as the probation officers and social workers who need to be sensitized to the present situation. Therefore we cannot allow the system to continue as it is presently, criminalizing the children more than rehabilitating them.

- There is also the question of the case-load that these prosecutors must deal with. There are days when the number of cases can rise to 15. A prosecutor has the discretion to decide when a case should be brought to court. I believe that the prosecutors do not apply this discretion properly. There are many situations where other options can be used, such as the diversion programmes offered by NGOs. Once again, if the prosecutors were trained and made aware of all these options, they could use this discretion appropriately. It is not unrealistic to reduce the cases coming to court to at least five per day.

- This then brings me to the position of legislation. Here, too, there is an urgent need for review. If the cases were defined, the less serious offences could be dealt with by using these other options.

- The function of interpreters requires revision. Interpreters should rather perform the role of translators. The reason for this is that translation can facilitate communication whereas interpreting often leads to the actual story being lost, which leads to misunderstandings.

Court structure

The general public is not allowed into a juvenile court-room; only a government official or guardian of the child is entitled to do so. Therefore we do not always realize how intimidating the court-room can be. It is not at all child friendly, bearing in mind that one is more often than not dealing with a child who is already scared, not very literate and in most instances alone. The child is dealt with in the same way as an adult. This is quite brutal. We need therefore to have a court-room that is not intimidating and where the actual function of the juvenile court is carried out. By this I mean that the reason for the formation of a special court for juveniles was that juveniles require special attention or else any other court-room could have been used. A special court has however been created and therefore special treatment is required.

Notification of the guardian

Despite the fact that the Criminal Procedure Act allows for any person who can account for the child to be held responsible for a future appearance in court, in practice this does not always occur. There have been many instances where a very restrictive approach has been applied. Therefore the legal requirement above should be extended to include the notification of the guardian. Furthermore, the police shift this responsibility to the court personnel instead of utilizing the specially created Juvenile Justice Unit to redress this situation.

Legal representation

Legal representation is not always communicated to the juveniles or their guardians. Where it is done, very sophisticated language is used. Furthermore, it is also done in such a manner that the juveniles believe that they are personally responsible for engaging an attorney. A system should be developed whereby every child has an automatic legal representative, that is, a public defender system. Should the children prefer their own attorney, that opportunity should be accorded them. One must be very cautious about the type of system being developed, since there are very negative implications surrounding such systems. A credible and effective system must therefore be established.

Conclusion

In conclusion, therefore, I would like to point out that these are mainly short-term goals. The establishment of a juvenile centre where most crimes can be dealt with, while retaining the court system for very serious crimes is the ideal that we can work toward. Of course, the types of crimes need to be distinguished carefully. Presently the court structure is addressing the symptoms rather than the causes of the situation, which in turn is leading to recidivism rather than rehabilitation. I am often told by court personnel that they have a duty to protect the community; I sometimes wonder where the juveniles fit in because they are not perceived to be part of the community. Their protection is being shifted to the community. Since the situation is so grave, we all need to address it together. After all, if we let it continue, we will be destroying our own country because these children will someday grow up, and what kind of adults are we then going to have?

Changes that can be implemented immediately

- No child should appear in court without legal assistance—not necessarily an attorney.
- All claims of police intimidation, brutality, assaults and coercion must be investigated promptly—not after the case has been settled but by means of a trial-within-a-trial system.
- Make the child and the parent(s) part of the legal process and not merely spectators.
- No child under the age of 18 years should be forced to pay bail.

- The prosecutor should establish whether the charge formulation is correct before prosecution.

- Allow for leniency of the rules of evidence when the child puts his case.

- Make the Legal Aid system more trustworthy/credible through education, co-operation, etc.

- Give juvenile cases priority status in terms of—

  - legal aid;
  - appearance of the children in court; and
  - police investigation.

- Scrap the Legal Aid Board rule that if the child has three previous convictions he/she is not entitled to another opportunity.

- There should be an immediate response to an arrest of a juvenile by means of assessment reports to—

  - determine whether the juvenile is actually in need of care; and
  - *stop the filing of arrest data.*

- Make diversionary programmes accessible in all courts.

- Ban the whip! What is the rehabilitative value of lashes given for an assault conviction?

- Make better use of the Children's Court Inquiry.

- Magistrates and prosecutors should become advocates for interactive juvenile justice programmes.

- Magistrates, *watch your language* when you talk to a child.

- *Stop the intimidation of the children who appear in court!*

Correctional programmes for juvenile offenders

Brig. Henk Greeff
Department of Correctional Services

Introduction

Mr Chairman, Ladies and Gentlemen, the detention of juveniles is an extremely sensitive issue—especially the detention of unsentenced children under the age of 18 years. They should not be in prison; they do not belong in a prison. However, juvenile criminality is a reality, brought about mainly by social and economic factors. The seriousness of the offences as well as the lack of suitable alternative places of incarceration have inevitably led to the increasing presence of convicted as well as unconvicted juveniles in South African prisons. The Department of Correctional Services recognizes the enormous responsibility involved in the incarceration of juveniles and is committed to dealing with this reality with a great deal of sensitivity and circumspection. To this end, the Department has geared itself to the best of its ability to cater for the specific needs of juveniles.

The Department of Correctional Services deals with two categories of juveniles, namely children under the age of 18 years and juveniles within the age group 18 to 21 years. We deal with unconvicted and convicted children under the age of 18 years, as defined by the Child Care Act. It has always been, and still is, the firm standpoint of the Department that unconvicted children do not belong in a prison setting. Due to the lack of adequate or alternative places of incarceration, a considerable number are being cared for in prisons. With regard to the convicted children, it is due to the seriousness of some of their offences that they are sentenced to a period of imprisonment. The Department consequently makes provision for these children to participate in a programme designed and implemented for juveniles.

The second category that the Department deals with is the unconvicted and convicted juveniles in the age group 18 to 21 years. I would like to mention that one of the reasons why the Department handles this category separately is that the duration of prison stay for some sentenced children is so long that they reach the age of 18 in prison and still need special care. Furthermore, the constant growth in the numbers of sentenced juveniles in this specific category dictates that the

Department of Correctional Services takes responsibility to cater for their specific needs. Consequently, separate sections within some prisons, as well as specific prisons, have been set aside to be utilized exclusively for the incarceration and treatment of juveniles, namely:

Leeuwkop Prison near Bryanston, Johannesburg
Pollsmoor Prison near Cape Town
Rustenburg Prison
Brandfort Prison near Worcester (scheduled for the 1st of March 1994).

It is the Department's point of view that juveniles in South African prisons cannot be analyzed or judged in isolation from the fundamental characteristics of the South African juvenile problem. There are similarities between the general problem and specific problems relating to convicted juveniles in prison. It is therefore quite clear that if one is looking for solutions in terms of the way that the Department provides for the needs of these specific clients, there must be some degree of similarity between the approach of the external world and that of the Department—not only in terms of programmes, but also in terms of formal partnerships with the external community. This partnership ought to generate the most acceptable, affordable and adaptable management system for juveniles in prison according to international standards, such as the International Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the so-called *Beijing Rules*).

The Department furthermore actively encourages the assembly and dissemination of new information and knowledge. It is against this background that I give you an overview of how the Department manages juveniles in prison.

Programme for juveniles

The programme for unconvicted juveniles comprises the provision of basic services by professionals, over and above the custodial programmes like physical and mental care, in order to attend to the needs of the juveniles as far as possible. The programme for convicted juveniles, with specific reference to the mentioned centralized prisons for juveniles, is divided in three phases, namely the observation, treatment and release phases. Sentenced juveniles are introduced into the programme as soon as possible after admission to prison.

Firstly, the **observation phase**: It has a duration of four weeks and commences as soon as possible after the juvenile's admission to prison. During this time, the prison officers are intensively involved with the juveniles in order to determine their specific needs and problems.

Secondly, the **treatment phase**: During this phase the juveniles participate in the treatment and training programmes which have been specifically designed to satisfy their particular needs. At the beginning of this phase, the results of the observation are discussed with the juvenile during a meeting of the institutional committee, whereafter individual treatment and training goals are formulated. This phase continues until the juvenile is accommodated in the next phase, ten weeks prior to his release. The treatment and training programmes consist of the following:

- **The education programme**: Illiteracy, or poor qualifications among juvenile prisoners, is a distressing reality. The task of the educationist includes the identification of a juvenile's education and training needs as well as the administration and presentation of education programmes. Compulsory literacy training and basic education up to Std 4 are part of the education programme. Tuition is also available for Stds 5, 8 and 10. All juveniles who are not involved in the above-mentioned education programme and who are interested in pursuing academic or technical studies are encouraged to do so. These juveniles can make use of correspondence courses and the educationists assist them with administration and guidance where necessary.

- **Training programme**: Equally important is the establishment of training and/or work opportunities. Participation in these programmes depends mainly on the length of sentence, interest, aptitude and available facilities. This programme includes training in a variety of practical skills, for example welding, plastering and bricklaying and unskilled labour to keep those juveniles who are not involved in any training constructively occupied.

- **Recreation programme**: The prevention of idleness and the fostering of a well-balanced life-style are accomplished by means of recreational programmes. Coaching in various sports and teaching of recreational activities such as chess are provided as part of the school programme.

- **Library programme**: The value of reading is recognized and encouraged and to this end the library is open daily.

- **Social work services**: Social work staff gather and analyze information regarding the prisoner in order to identify the prisoner's needs and problems. Based on these assessments, prisoners voluntarily receive social work treatment which can either be intensive or supportive. Reconstruction services to the family are also initiated if necessary by external social work organizations. Internal and external services are co-ordinated by exchanging reconstruction and progress reports.

The maintenance and strengthening of family ties are considered to be very important. The social worker is responsible for making arrangements for the after care that is provided by external welfare organizations. At this stage the social worker also involves the juvenile's family, as far as possible, in his release preparation and encourages them to support the juvenile before and after his release. The family is thus utilized where possible as a community support system.

- **Psychological services**: Psychological treatment takes place in accordance with aims determined during the observation phase. The clinical psychologist is primarily involved in the correct allocation of prisoners to various academic and training courses within the framework of the vocational orientation and the scholastic skills programmes. Further tasks are to identify and remedy study programmes and emotional problems. The psychologist conducts group and/or individual therapy sessions which may cover subjects such as effective communication, effective study methods, time management and decision-making, in order to maintain mental health and equip the juvenile with basic life skills.

- **Religious care programme**: Full-time chaplains and part-time religious workers are responsible for the religious care of juveniles. Provision is made once a week for a chaplain's period during which religious workers visit members of their denomination and faith. A period is set aside for religious instruction during school hours. Cognizance is taken of the importance of involvement in and the practising of religion, particularly with regard to the juvenile, but participation is voluntary.

- **Life skills programme**: This programme consists of various themes such as communication, conflict management, self-esteem, self-assertive behaviour, self-knowledge, problem solving, responsibility, role management, financial management, friendships, relationships, etc.

During this phase the social worker also makes the necessary arrangements regarding after-care services. Juveniles released on parole are also under the supervision of a parole supervision officer.

Future planning

With regard to short, medium and long-term planning, the following aspects concerning the incarceration of juveniles should be taken into consideration:

- The centralization of juveniles in specifically adapted prisons. One such a centre is planned per region.

- Continuous evaluation of detention and treatment programmes in order to meet the specific needs of juveniles as far as possible.

- Progressive expansion of partnerships with external institutions, such as Project Literacy.

- Evaluating and adapting a possible new national strategy concerning juveniles in detention.

Conclusion

The Department of Correctional Services will publicly support any effort towards the implementation of a permanent forum where all roleplayers on a national and/or regional basis can be given the opportunity to take part in an analysis of our Department's programme and make recommendations to develop a management system for juveniles in order to adopt the most acceptable, affordable and effective strategy.

It is too soon to scientifically establish the success of our programme. Yet, the indications are that the programme should prove to be invaluable. However, the ultimate success will depend on the support systems in society and society's willingness to accept released juveniles without reservation.

Diversion from the criminal justice system and appropriate sentencing for the youth

Ms Rosemary Shapiro
South African National Institute for
Crime Prevention and Rehabilitation of Offenders

To start, I would like you to think about the naughtiest thing that you have ever done in your life—preferably when you were young—and I would like you to think about why you did it. I would also like you to think about how you were handled, by whoever may have found you out. Some of you would not have been found out—that is why you are here, and not serving a life sentence somewhere! Then I would like you to think about the worst punishment that you have ever received, probably when you were younger. Why was it so bad? Was it the fact that you had not committed the offence that you were being punished for? Was it the fact that you were not heard when you tried to explain? At one conference, somebody said that the reason why it had been the worst punishment that she had ever had was that she had been left unconscious. At another conference, someone said that it had been the worst punishment because she was a very small girl at the time and she had to carry a lot of water on her head. Not only did she have to do this very difficult task, but she was not living with her parents at the time because they were not able to look after her, so she was already upset because of an unfamiliar setting. She had to carry a huge pot of water a very long way, and the pot was too big for her. She felt as if the pot was going to break, and was going to break her neck, so she threw it off her head and she was whipped very severely.

How many of the children who go through our criminal justice system have been through similar experiences? They have committed crimes because they actually could not help committing those crimes. Many of them are, straightforwardly, very naughty. We need to deal with these kids in a slightly different way. Connected to the worst punishment that you have ever received, I want to ask you: What is it that we are doing to children when we punish them in the formal justice system? Are we helping them at all? As was raised earlier by Shireen and Jenni: Are we actually turning them into good citizens? Are we humanizing, or brutalizing them?

To this end, we at NICRO have been very committed to get diversion off the ground. There are other organizations who have also been working on diversion in different areas and this points to the need for us to co-ordinate.

When we talk about diversion, we try very hard to concentrate particularly on children who are diverted from the criminal justice system. As the system is operated at the moment—and many people have raised this point this morning—it is not really suited to dealing with children. If we had an ideal juvenile justice system, we probably would not need diversion because the system would cater for children when they come in and they would be dealt with correctly. However, at the moment we try and divert as many children away from the system as possible.

What is diversion?

Diversion is the channelling, on certain conditions, of *prima facie* cases away from the criminal justice system to extra-judicial programmes at the discretion of the prosecution (this means that the cases are usually withdrawn on condition that the accused completes a diversionary programme).

Why diversion?

Why would one be involved in diversion? What are the benefits of diverting children from the criminal justice system? The benefits are as follows:

- it allows the offender to repair the damage;
- it serves a rehabilitative and educational function;
- it enables offenders to take responsibility and be accountable for their actions;
- it identifies problems which may have led to the offence being committed;
- it prevents offenders from acquiring a criminal record (especially first offenders);
- it lessens the case-load on the formal justice system.

For me, one of the most important purposes of diversion is reparation.

With regard to children getting away from criminal procedure; diversion is not just a *soft* option where children (I keep saying children but diversion can happen for adults too) are placed in some kind of programme rather than going through the courts. Through the court system, children are told what they have done wrong; are punished from above; and are not part of that process. From other countries

that utilize diversion it is evident that if children have the chance to pay back in some way the damage that they have done there is much less chance of recidivism; there is far more healing; and there is very often victim healing in some of the programmes.

In our current criminal justice system, the victims have a very small part to play in terms of what happens in the system. They may get called into court but they are also intimidated. They are allowed to say certain things, but they may be cross-examined at some point. It is very difficult for victims to actually get the feeling that they have been compensated, even in kind. In diversion programmes there is very often some kind of victim healing that takes place and some kind of reparation of damage.

This also applies to self-esteem. If children come into contact with the law, they are most likely going to be criminalized, and they are most likely going to believe after a while that they are criminals. If children are given a chance to make right something that they have done wrong, or to help with that process, they can very often undo that stigmatization.

Obviously another very useful thing is the reduction of the case-load of the criminal justice system. That means that children who do go through the criminal justice system are those who allegedly committed more serious offences, and the children who have committed minor offences go through the diversion processes.

Problems with diversion

Just before we get to the actual diversion programmes, I would like to raise a few problems with diversion. One of them—and I am sure that a lot of people here as well as the general population do raise this issue—is that it appears to be a soft option.

The reality is that whipping is a relatively soft option. It is a very sore and an anger-creating option. It happens very quickly, even though the child may have awaited trial for a very long period before that. What it really does is to serve to reinforce the fact that there are very powerful people in this world and when you become powerful you can whip other people.

If you do not utilize whipping, which is a quick and angry method, you are going to utilize the one thing that is actually very precious to teenage children, and that is their spare time. Diversion programmes rely on the youth's spare time. They are not taken away to prison; they are not taken away to reformatories; they are not put somewhere else and told to do things; they are engaged in a process where they are giving up something for their wrong-doing. Therefore, I do not think that it is a soft option.

Also, what they are expected to do—and I will explain what they are expected to do in the programmes—is not easy for a teenager. It is not easy for them to engage in some of the things that they are asked to do.

The second problem that people (particularly the *legal eagles*) talk about is the fact that in terms of criminal procedures the children are not given the opportunity to prove that they are innocent. People think that this is problematic. I would argue that rather let a child say, "Yes, I have done something wrong and I would like to go through that programme" and let him have a chance, than let him go through the long procedure of awaiting trial and court. But this is a problem that needs to be worked out a little better. Moreover, I have not read anywhere of a place where this has been sorted out very well.

If the criminal justice system were ideal, there would be no need for diversion because the criminal procedures would fulfil the above aims. However, in South Africa where there is no comprehensive juvenile justice system, and few cases are dealt with according to Child Care Act procedures, diversion is imperative.

How is diversion carried out?

Prosecutors use their discretion to allow cases to be withdrawn on condition that the offender completes a diversion programme. The offender is assessed by NICRO for suitability and motivation and is then channelled into the appropriate programme(s).

NICRO is currently running three diversion programmes. These are:

- The **Youth Offender Programme** that many of you are familiar with. It is run by the Department of Correctional Services in the Pretoria region, and by NICRO in conjunction with the state in the Cape and Durban regions. Children attend for six weeks—two hours in the afternoon on one day per week (12 hours in total). The parents attend during the first and the last sessions. The children are given a chance to talk about why they got involved in the crimes; what problems they are experiencing at home; what peer pressure is all about; what communication is about; decision-making, etc. They also mix with other children over the six-week period. During the last session, when the parents also attend, they can speak about what has changed at home.

  Obviously this raises another problem because the children go back into the same community, and I believe that the biggest pitfall with diversion at the moment in South Africa is that we do not keep in touch with the kids thereafter. So children are going through a diversion programme without follow-up—but a year ago there was no diversion. Perhaps next year we can talk about what we have done by taking the children out of that process.

- **Victim-offender mediation**, by means of which the victim and the offender are brought together in a voluntary situation where they work out their own agreement. If they can work out their own agreement through a mediator and

both are happy, the case is either withdrawn altogether or postponed until the time when it comes up again, and then withdrawn.

- **Pre-trial community service**, where children are given a chance to serve their community for a certain number of hours over a period of a few months in their own time and without pay. The children are connected with an organization that they feel that they can serve. If they really have a problem with mental disability they will not do community service in an institution for mentally disabled people—they are given those kinds of choices. Normally the case is postponed until the diversion programme is completed. Sometimes the case is withdrawn right at the beginning, and only if the child does not complete the diversion programme does the case go back to court and is reopened. The child can also choose at any time to go to court and prove his innocence.

In addition, there are other diversion programmes in pilot stages. It is also possible in certain instances for criminal cases to be converted to child-care proceedings. This option could be utilized more often.

A challenge to conference delegates: Increasing diversion opportunities

More options are needed by the courts. Other organizations could offer diversion programmes for youth offenders, and NICRO could assess candidates.

In other countries, greater use is made of a warning (United Kingdom), of *family conferences* (New Zealand) and of intensive intervention prior to prosecution proceedings (some states in the USA). These and other innovative ideas could be adopted.

Children should be treated as children. A comprehensive juvenile justice system is needed.

Appropriate sentencing rather than alternative sentencing

When asked to speak on *alternative sentencing*, I changed the phrase to *appropriate sentencing*. I have very little to say on this topic on account of the fact that in South Africa there are very few appropriate sentences available for children. Of the current diversion programmes some could be used as sentences (in fact, some of them are being used as sentences). I think—and it has been said by many other people—that whipping needs to be outlawed. But then we need to have alternatives available.

In South Africa whipping is a common sentence for juveniles, reformatories are full to overflowing and fines are often paid by parents—not a healthy scenario in a country where juvenile offending and recidivism are on the increase.

Sentences should be appropriate to the offence and the young person's circumstances. More options need to be made available to the courts. Young violent offenders, sexual offenders, street children and children who steal as a result of need should be prioritized in the creation and improvement of appropriate sentences, and effective rehabilitation, life skills and job creation programmes should be introduced.

Purposes of punishment

The purposes of punishment are commonly understood to be the following:

- protection of society
- deterring the individual and society from criminal activity
- retribution
- reparation.

In sentencing it is imperative to be mindful of what a particular punishment will or will not achieve, and to ensure that the individual is enabled to take responsibility for his/her actions. Punishment should take into account the best interests of:

- the offender
- the victim
- the criminal justice system
- the community.

Civil society needs to play a watchdog role to ensure the unbiased handling and sentencing of juvenile offenders; that sentencing is not based on race, gender, class or political conviction.

Conclusion

In conclusion, I would like you to think about the fact that whenever a child is processed through the criminal justice system, one needs to take into account the offender, the victim, the criminal procedures—whether they are being served correctly—and the community. What is to the benefit of all four? How can children be processed in a way that they are actually becoming the civil citizens that they have not been, and how can they be helped to get the chance to become the citizens they would like to be if they do not have those kinds of options

available to them? Therefore, yesterday's section on primary prevention is very important.

Also, I think we need to consider the fact that society has to be protected. The child has to be deterred from recommitting that crime; the community needs to be deterred from crime by some kind of example so that diversion is not seen as only a soft option; and there needs to be reparation rather than retribution wherever possible.

In terms of us here, we have to work towards diversion programmes and I appeal to you, in the same way that Jenni did, to make things happen tomorrow. Some of you may be aware of programmes that would be good to use as diversion, for instance programmes for children with drug problems. I ask you to please let NICRO and the Department of National Health and Population Development in your area know about this. Discuss these programmes with them, discuss them with the court, and see if you are available perhaps to take more children out of the criminal justice system through an appropriate option—either a sentencing option or a diversionary option.

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The role of residential facilities in juvenile corrections

Mr Solomon Ndlovu
Department of Education and Training

Mr Chairman, daily, and even in this workshop, we are bombarded with petrifying statistics of children separated from their parents for socio-economic and political reasons. Thousands of these children relate sad stories of homelessness, of being orphaned or of being abandoned. Forced to lead not only a nomadic life on the street but also a life of self-support, these children sometimes resort to illicit means to eke out a living. Consequently they collide with the law and end up in juvenile or children's courts. Recent research estimates claim that about five in every 1 000 cases heard in juvenile courts relate to serious offences such as rape, murder, violent assault or robbery, while the vast majority of children who appear in juvenile court are charged with petty crimes that are not of a dangerous nature, such as the shoplifting of food or clothing, loitering, possession of dagga or drunkenness. Depending on age, sex and character, as well as on the nature of the offence, the child then receives his appropriate sentence. Many of these juvenile offenders are placed either in reform schools, schools of industry, foster homes or children's homes. All of these institutions, Mr Chairman, have residential facilities. Lest I be accused of venturing into fields that are not my speciality, I wish to change my topic to: The role of schools of industry and reform schools as residential and educational facilities in juvenile corrections.

This paper will, firstly, deal briefly with the philosophy of schools of industry and reform schools. Secondly, it will attempt to pin philosophy to practice by explaining how the phases and components of residential care and compensatory education programmes in schools of industry and reform schools operate. Lastly, it will make some proposals as to how the residential facilities of these institutions can be better utilized in the task of preventing juvenile offending.

The existence of schools of industry and reform schools indicates that the prevention of juvenile offending has failed to a certain extent. These schools, few as they are, have an important role to play in the future as there will always be a need to provide juvenile offenders with residential care. However, it must be mentioned from the very outset that in order to be effective, these schools must

work in conjunction with the family, the community and other agencies involved in the rehabilitation of juvenile offenders.

Basically, the role of these schools is to prevent second-time offending and failure through corrective and pedagogical interventions. Children committed to schools of industry and reform schools are mostly environmentally handicapped due to poverty, deprivation, and cultural and geographical isolation which lead to serious backlogs in their normal development. These backlogs and handicaps can be counteracted to a great extent.

To reach their goal, these facilities cannot depend on ordinary or traditional formal education. Rather, compensatory practices and programmes have to make up for the shortcomings and backlogs over a broad spectrum. Later, when we deal with the phases and components of residential care and compensatory education programmes, we will explain how the programmes work.

It is important at this juncture to perhaps give an overview of how these juvenile offenders are cared for in these institutions. Amongst other things, juvenile offenders are given physical care from the date of admission until they are discharged. This normally includes the provision of a regular and balanced diet, proper clothing, shelter as well as health facilities. The children are under the supervision of fully trained personnel in a controlled environment on a 24-hour basis. This not only creates an opportunity for sustained educational intervention but also makes it easy for the personnel to better understand the child.

Most children, as mentioned earlier, have a serious backlog in their scholastic achievement. Some have never been to school. At these institutions school work begins at the level the child can master and, without any pressure, he is given an opportunity to enjoy success within his peer group, whether at the academic phase or the practical work phase. This need is not normally met in traditional schools.

Pedagogical support services are offered in these institutions by a team of professionals, that is, a psychologist and a remedial teacher, and there is a great need for a person who can do valuable social work. This multi-disciplinary team not only deals with emotional and psychological problems but is an important link between the school and the community. Showing interest and giving support to these children do not end when they leave school. These schools play an important role in the process of re-integrating the child into society. Once again the schools do not only stress the achievement of goals within the school environment but prepare the children to be achievers in society, to gain recognition and be accepted by the community.

To fulfil this task, these institutions have to follow special procedures, and it is now appropriate that we look at the phases and components of residential care and compensatory education programmes in schools of industry and reform schools. See Appendix A and B.

Proposals made elsewhere to improve our efforts in fighting this battle must be echoed here once more. If these schools want to shake off the label *universities of*

crime, it is time to take heed of the suggestion of providing separate facilities for children who are in need of care, and young accused offenders who may be more difficult to handle. These groups of children are distinct and require very different social and educational services. Also, more family-based and community-based facilities to care for children who have offended the law need to be provided on a larger scale.

In conclusion and as mentioned earlier, these institutions cannot be termed *super schools*. There will always be room for improvement and their effectiveness and success in dealing with juvenile offenders will depend on their close co-operation with the community and other relevant agencies.

Appendix A

Phases			
Orientation and evaluation phase	Education and training phase	Specialization and production phase	*Back to home* orientation phase
Aim: • Institutionalization • Personal programme	**Aim**: • Diminishing of backlogs • New/additional skills	**Aim**: • Obtaining better skills • Conditioning to working circumstances • Application of skills	**Aim**: • Adaptation in society • Application of skills • Job finding
Major roleplayers: Representatives of all components: • Management • Pedagogical support services • Teaching staff • Caring staff	**Major roleplayers**: Teaching staff	**Major roleplayers**: Technical and/or entrepreneurial teachers	**Major roleplayers**: Pedagogical support services
Time allocated: 3 - 6 weeks	**Time allocated**: Approximately 2 years	**Time allocated**: Approximately 3 - 6 months	**Time allocated**: Approximately 2 - 3 weeks

Appendix B

Components						
Management	Pedagogical and residential support	General administration	Compensating education programme			
			Practical skills	Career-orientated skills	Entrepreneurial skills	Specialization and production
Board of management: Representatives: • Justice • Health • Welfare • Community **School management**: • Principal • Deputy principals • Heads of department	• School managers • Psychologist • Remedial staff • Medical staff • Liaison staff • Caring officials	• Administrative personnel	• Literacy • Communication • Numerical • Life • Sport • Cultural • Norms and values	• Motor industry • Building industry • Metal industry • Electrical industry	A variety of handicraft	More advanced skills training in any one of the compensatory education programmes
Aim/function: Proper management and administration	**Aim/function**: • Basic and specialized support • Efficient pupil administration • Care and security	**Aim/function**: • Provisionment • General administration • Personnel administration • Catering • Laundry	**Aim**: • Participation • Sportsmanship • Achievement • Job finding • Mainstream re-entrance	**Aim**: • Obtaining job as a handyman • Self-sufficiency	**Aim**: • Providing an income • Additional income	

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Developing a comprehensive juvenile justice system in South Africa

Mrs Ann Skelton
Lawyers for Human Rights

The time has come for a change in the way we deal with juvenile offenders in South Africa. Those of us working in the field know what the problems are. We know that thousands of children have suffered and are still suffering at the hands of our criminal justice system, which by no stretch of the imagination can be described as child friendly.

For these reasons, I believe there is a need to be radical when we look at creating a new juvenile justice system. It is no good tinkering with a system which has so miserably failed to deal with children in trouble with the law. We need an entirely new system, and the legislation must be completely unequivocal. There should not be too much discretion in the hands of officials dealing with juvenile offenders. The law must spell out exactly what the correct procedures are. There must be no loopholes.

Before we can begin there are certain broader issues which need to be considered. We need to ask ourselves: Where do we want to pitch our new system between the welfare model and the criminal justice model? We need to decide if we want a *Juvenile Justice Act* on its own or if it should be part of a broader *Children's Act*, that is, one chapter among several dealing with the protection of children.

A controversial issue will be the question of the age of criminal capacity. Many other jurisdictions in the world raised the age of criminal capacity. How do we ensure that our system, whilst innovating for the specific needs of our own society, takes into consideration world trends?

There are also fiscal realities which must be faced. Here we must be realistic, but we must also be bold and creative. We must prepare to convince the holders of the purse strings that any money spent on this cause will be an investment, not only in the future of each youth, but also in the future of us all. If we want to do something about the crime rate of tomorrow, we must nip the problem in the bud, and the obvious place to start is the moment that a young person is arrested for the first time. Or, through preventative methods, even before that.

Having grappled with these difficult conceptual and practical questions, we could move on to the actual drafting of new legislation.

So what do we want this new legislation to achieve?

- Firstly, it should provide mechanisms to keep children out of prison and other institutions as far as possible, both in the pre-trial phase and in sentencing.

- It should differentiate between first offenders and children showing a pattern of recidivism, and between children charged with petty offences and those charged with serious crimes.

- It should offer opportunities for diverting children from the criminal justice system.

- It should emphasize the notion of restorative justice, and encourage young offenders to take responsibility for their actions.

- It should provide for speedy and fair trial procedures, and legal representation for those children going to trial.

- It should provide flexible and creative sentencing options to keep children in their communities.

- It should provide good educational facilities for those children who do have to spend time in prison.

- Finally, it should encourage the mobilization of families and communities towards finding solutions and working for a reduction in juvenile offending.

Some of the ideas I am going to put forward now are suggestions about how we might achieve these ideals.

Preamble and definition

The proposed *Juvenile Justice Act* or chapter of the *Children's Act* might begin with a short preamble setting out concepts which will guide judicial discretion. These concepts might, for example, include the notion of restorative justice and the *best interest of the child*. I know there has been much debate around this phrase, but the chapter on fundamental rights in the interim constitution does use the phrase. What we need to ensure is that these concepts are given life by the courts.

Setting up structures and personnel

The next section could set out the structures which would need to be established, such as assessment centres and special courts. It could also lay out the staffing requirements, detailing the qualifications and specialized training which the officers of the centres and courts would need.

Arrest

In our current system, much goes wrong in the period shortly after arrest. The guardians are not contacted, no assessment of the child is made, and few attempts are made to divert the children from the criminal justice system. This great opportunity to catch the children before they are sucked into the system must be seized.

The establishment of a special centre to which every arrested child could be brought upon arrest, could provide a suitable first stop for the child. Once brought in by the arresting officer immediately after the arrest, the child could be dealt with by a social worker who would assess each child and decide whether the child is suitable for diversion, or whether the child should go before a children's court inquiry, and so on. A police reception officer (a specially trained officer employed by the police, seconded to the centre) could then go out to locate the parent or guardian, and as a general rule the child could be released into the care of the parent or guardian.

There may be some cases where, because of the seriousness of the crime, coupled with the risk of abscondment and danger to the community, a child may need to be held in a secure lock-up facility until he or she can be brought before a magistrate for a formal custody hearing. In these cases the police reception officer would need to get a signed authorization from a magistrate to hold the youth. The rationale here is to positively limit the discretion of the police to keep the child in custody, and the way to do this is to make it more difficult for the police officer to keep the child in custody than to release him or her into the care of the parent or guardian.

There are possible problems with the type of centre that I have described. The centres would have to be open 24 hours a day, and would therefore need to have sufficient staff to work on a shift system.

While this type of centre can easily be envisaged in urban areas, the situation in rural areas would be very different. There may not be enough cases involving children in certain areas to warrant the cost of having the facilities of such a centre. For this reason a safety net has to be established in order to protect all children

from being held in custody unnecessarily. This can be achieved by severely limiting the length of time a child can be held in custody.

Increasing the age of criminal capacity

Another point is that, by increasing the age of criminal capacity, we immediately reduce the number of children who can be brought before the courts, and therefore provide better protection for all younger children. I believe that we could extend the age of criminal capacity to 14 years, so that all children of 13 years or younger who commit acts which would be considered criminal if they were adults, would not be dealt with by the criminal process. This does not mean that they would not be dealt with at all. On the contrary, the legislation could spell out alternative programmes for these children, and the suitability of the programmes could be determined by specially trained social workers, on account of the circumstances of each particular child.

A welfare model such as the Swedish system sees criminal behaviour amongst young children (under 15 years in Sweden) as a symptom of social breakdown and *treats* it as such. I am not suggesting that we in South Africa should go the welfare model route (we probably do not have the resources to provide the social services back-up which that would entail), but the idea of taking children under 14 years right out of the criminal justice system, holding an inquiry or making an assessment in each of these cases, and then finding a solution which encourages children to take responsibility for their actions, is something which we should seriously consider.

There are dangers in this: The children might end up with less rights than the courts would have afforded them. The famous American case of *Re Gault* (387 US 1 1966) provides an example. A child, accused of having made obscene telephone calls, was brought before a juvenile judge in chambers where it was decided that, as a *treatment*, he should be sent to an industrial school. He was never given an opportunity to challenge the flimsy evidence against him. He was not advised of his right to counsel. The Supreme Court eventually set aside the decision of the board, and issued a stern warning about the way in which taking children out of the system can lead to a depletion of their basic rights. So the drafters of new legislation must be mindful of this, and build in safeguards for children who do not acknowledge responsibility for the offences with which they have been charged.

We have looked at possible mechanisms to deal with arrest and pre-trial detention, and we are mindful of the need for and process of diversion as was clearly spelt out to us by the previous speaker. For those children who do remain within the criminal justice system, namely children of 14 years or older who have committed serious crimes or have repetitively been committing offences: What should legislation provide with regard to them?

Firstly, as the phrase *serious crime* is going to be a vital factor, the proposed act must set out what is meant by *serious crime*. To be clear, it would need to do more than list the offences. The crime of robbery can range from bag snatching with no injuries to theft of a valuable item using extreme violence, and resulting in serious injury. So, clearly, there needs to be sufficient discretion to treat each case on its own merits when deciding which cases can be diverted, and which must go through the criminal courts.

Legal representation

Those children who do end up standing trial must be afforded a fair trial, and the easiest way to ensure this is to provide them with free legal representation. I believe the best way to achieve a high standard of legal representation is through special public defenders who assist juveniles. They would need to be well trained and constantly motivated to maintain a defence ethos. Because of the way in which we will have diverted many children away from the courts, the number of children on trial will be significantly less, and I believe it will not be unrealistic to provide free legal representation for the remainder. The public prosecutor and the magistrates in juvenile courts should also be specially selected and trained.

For those who are convicted, the next stage is sentencing, which is where there is much scope for improvement. Diversion is the key here also—diverting children from incarceration in prisons or other institutions. The act should set out a wide range of creative sentencing options, with emphasis on programmes which (1) underscore the notion of restorative justice and encourage the child to take responsibility for his or her actions, and (2) allow the child to remain at home and at school.

Sentenced youth

Finally, there will be a core of youthful offenders who do end up with prison sentences. For these youngsters the legislation should build in firm rules with regard to prison conditions, particularly providing for education and job skills training during incarceration. A problem in this area is that in order to provide good facilities that are also cost-effective, juveniles will have to be brought to one of a few well-equipped juvenile prisons. This means that we may be moving some of them far away from their families, which could have a detrimental effect. This is a dilemma which will have to be faced.

I am mindful of the fact that this workshop is about preventing juvenile offending, and that I have not spoken directly about prevention programmes. It is difficult to legislate for prevention. Provision for specific education aimed at prevention to be carried out in schools and communities is one possibility. Another might be mechanisms for dealing with truancy, which is often one of the first signs

of a pattern which will end in juvenile offending. Once free compulsory education for all children is in place, it will be possible to begin to tackle the problem of truancy.

Besides this, however, there is no doubt that the recidivism we see among juvenile offenders in South Africa today is due at least in part to the corrupting and damaging effect of the system itself. The more children are exposed unfairly to a harsh criminal justice system, the more they become alienated from the state and its structures, and that alienation often finds its voice in the commission of further offences. I am confident, therefore, that the creation of a sound comprehensive juvenile justice system which responds in an adequate way to youthful offenders will in itself contribute to the prevention of juvenile offending.

Closure

Dr Willem Schurink
Human Sciences Research Council

I would like to thank you all for being here, for all the hard work that you have put into the discussion groups and for your willingness to openly share your views with each other and to become part of this *networking process*.

I would like to specially thank the following people for their contributions: the Department of National Health and Population Development for financial and administrative assistance; Ms Rosemary Shapiro, national consultant on restorative justice at NICRO National Office, Cape Town, who acted as consultant and trainer for our group facilitators; Dr Lorraine Glanz who acted as project leader and conference organizer; Mrs Charmaine Smit and her team for the outstanding way that they dealt with the practical arrangements of the conference; Mrs Babsie van der Nest for the flowers; and last but not least Fedics for providing us so amply with refreshments.

One thing that is clear is that we are all leaving this workshop with a lot of food for thought. What struck me most these past two days is that although we may have different viewpoints, we have one common vision, and we are all aware of the fact that action should urgently be taken on behalf of our children and youth. Even if the process does not seem to be that clear and representatives of all the organizations have not yet been involved, the important fact is that *the process of networking* has been furthered and that we have at least gained some insight into both the problem and the way in which the roleplayers are daily battling to deal with it.

To me it is clear that we need a *new mindset* and perhaps also a change of heart if we are to succeed in dealing with this complex phenomenon.

The question now is: Where do we go from here? As far as the immediate role of the HSRC is concerned, we undertake to provide you with feedback on the proceedings of this conference and to incorporate your recommendations and proposals. We need you then to study this document carefully and to send your comments to us. We would be grateful if you could also make some specific recommendations as to *how this process of primary, secondary and tertiary prevention of juvenile offending should be furthered*.

Thank you again for your presence. We wish you a safe journey home.

SECTION 3

Developing a national strategy

A national strategy for preventing juvenile offending in South Africa

1. Strategy based on the research*

Primary and secondary prevention—long-term strategies

It is recommended that the full spectrum of the basic human needs of children and young people be met by the creation of a single, unified *Directorate of Youth Services*. This directorate could be housed within the existing Department of National Health and Population Development. The lack of co-ordination of services for children and young people appears to be a considerable problem in South Africa. It is not suggested that the existing education services, for example, be transferred to this directorate, but rather that such a directorate co-ordinate all services that affect children and young people. This directorate should be responsible for:

Health services to children from the time of conception

Not all mothers require state-funded health services, but these services should be available to all those who do. Potentially *at-risk* children would be identified at a very early age and would receive the health care that they need. Health services should include:

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* The strategy presented in this section was developed by Dr Lorraine Glanz and Mrs Evanthe Schurink of the Focus Area for Crime and Related Studies of the HSRC, and is based on research conducted at the request of the Department of National Health and Population Development.

- Pre-natal health care for pregnant women.

- Post-natal health services from infancy until at least the end of primary school. Again, not all children require state-funded or subsidized health care but the service should be available for those who do. Pre-natal and post-natal health services should include information programmes for mothers, dealing with all aspects of parenting—not only the physical care of children, but their psychological and emotional needs, parent training and parenting skills.

- Equal opportunities for all children in terms of primary health care services. Action should be taken to ensure that services are provided at an equal level to all sections of the population.

The education of children and parents

Every person, whatever their age, should be able to benefit from educational opportunities designed to meet their basic learning needs in order to develop to their full capacity and to improve the quality of their lives. Education should take the form of:

- Information imparted to parents from the time of registration at a pre-natal clinic. This information should be supplied in the form of brochures, education sessions, media programmes and the like, and should deal with the health, psychological, emotional and disciplinary needs of children at every stage of development.

- Quality pre-school education. This should be available to all children because it is an essential aspect of primary prevention. It should be recognized that not all families require free or subsidized pre-school education. For those who do, pre-school education for three years prior to school entrance should be available. The education authorities should consider making at least the year prior to school entrance a compulsory pre-primary school year.

- Bridging classes and school readiness programmes, when needed. Provision should be made for remedial education for children from deprived communities in order to decrease the high school drop-out rates. Specialized and remedial education should be developed as rapidly as possible to meet the needs of groups with backlogs.

- School curricula that include subjects covering practical life skills. The school has the greatest potential as a catchment area for children and their families. The school should be seen as an institution supplementing the role of parents

in preparing young people for life in the community. The importance of teaching children normality, healthy life-style management and the handling of normal life crises should not be underestimated. Matters such as money management, interpersonal relations, sex education and communication skills should be dealt with. Specific education programmes on, for instance, AIDS and drug abuse, are essential.

- School systems which are more flexible. The school should become the centre of each community, where preventive programmes can be offered by accredited mental health professionals. Parents should become more involved in school activities and be given guidance in dealing with their children's behaviour problems.

- Participatory methods of teaching, treating each pupil as an individual and allowing open communication between the management, teachers and pupils. The examination system, sport and recreational activities of schools should be less competitive and intracomparative.

- Special school programmes formulated to expose children to the police from an early age in order to enhance police-community relations and to encourage co-operation between the public and the police. Programmes promoting crime prevention at the personal and the community level should be introduced into schools.

- Special education programmes for disabled children, in which their particular education and training needs are met.

- The expansion of educational support services within the education system until parity is reached between all population groups.

Supervision and care of infants, children and juveniles

The majority of families in South Africa live in an urban environment in which both parents are employed outside the home. Adequate surrogate supervision should be available at a subsidized rate to those families which are not in a position to pay for private care. The present day-care, after-school care and holiday-care facilities should be expanded. Child-care workers and child minders should be trained for this purpose. Supervision should include the following:

- Infant and child day-care facilities.

- Quality after-school care Again, this facility should be available at a subsidized rate to qualifying families. It is evident that if parents cannot afford to pay for after-school care, their children are often left unsupervised. The after-school care facilities available in some (mainly white) communities at present should be expanded to meet the needs of all working parents.

- Holiday programmes for school-going children should be organized and made available. The programmes which have been initiated by some municipal authorities are to be commended. These initiatives should be expanded to every community.

Psychological and emotional needs of children

These can be met by:

- Providing counselling services to parents. These services should be readily available and well promoted. A psychological/counselling service could operate in close co-operation with health services (that is, the existing clinics). The media should be used to try to reduce the stigma attached to counselling.

- Providing counselling services to children and young people. Every school should have a resident social worker and a trained counsellor or other qualified behavioural scientist or, at the very least, should have easy access to one (for example, on a part-time basis). The shortage of trained professionals may mean that other types of people, such as teachers and parents, may need to be used for counselling. A special training course could be devised for this purpose. The possibility of using persons other than qualified professionals should be considered and investigated. The PIDA system presently operating in many schools in South Africa could be used to implement social work services in schools. At the very least there should be some sort of diagnostic system to identify children with varying degrees of emotional, social and academic problems so that teachers are able to refer children for help before their problems become serious. Greater emphasis should be placed on the mental health needs of children and young people displaying behavioural and emotional problems.

- Initiating innovative projects, such as peer counselling (particularly with regard to drug and alcohol abuse) and mentoring. Research has shown that peers can be a powerful pro-social force and support system for young people. This should be exploited by using screened and selected peers as positive role models for young people at risk. Another approach, that of *mentorship*, has

proved very useful. *Mentorship* in this context refers to the system whereby young people from troubled homes who are experiencing psychological/emotional problems are linked to an adult mentor or older adolescent (the *buddy system* or what is termed the *Big Brother Big Sister* programme), who provides guidance and support. Some programmes have successfully used older adolescents from privileged backgrounds to act as mentors for young people at risk. This could be explored in the South African situation.

- Empowering communities to protect their children in traumatic circumstances, such as political unrest.

Adequate sport and recreational facilities for children and teenagers

Sound, healthy leisure activities should be encouraged. The programmes already operating (such as youth groups and clubs) and the facilities already available should be co-ordinated and promoted. Children and young people's needs should be determined and innovative approaches should be investigated, such as:

- Making use of private vendors to run attractive recreation programmes for teenagers. The sports and hobbies which are cultivated/promoted during school hours should be offered after hours. School facilities could be used for this purpose.

- Making use of older teenagers to run recreation programmes for younger teenagers.

Preparation of young people for employment

Poor job skills have been consistently associated with underemployment and unemployment. Education should be job and career oriented. The following should be considered:

- Aptitude testing and career guidance must be readily available at schools.

- School curricula should make better provision for pupils who will not follow an academically based career. A large proportion of school drop-outs are pupils who cannot make the grade in the academic stream. Where aptitude testing indicates that a practically/technically based career should be followed, the relevant school subjects should be available early in the school career.

Primary and secondary prevention—short-term strategies

Primary and secondary strategies for the prevention of juvenile offending are based on several solid principles: (1) the interrelatedness of problems; (2) the need for early, sustained intervention; (3) the importance of one-on-one intensive attention; (4) the necessity of the acquisition of basic educational skills and adequate social skills; (5) a focus on schools in the form of basic school reform and reorganization; and (6) the need for community networking and empowerment.

Short-term strategies for the development of a primary or secondary model aimed to prevent juvenile offending in South Africa should be based on two criteria: the need to assist vast numbers of young people who are at risk, and the lessons that can be learnt from successful prevention programmes. Successful prevention strategies have the following elements in common:

- *At-risk* children and their families are identified as early as possible in order to maximize the benefits of interventions. Poverty and single parenthood can be singled out as the two main obstacles for the successful implementation of family intervention or early childhood programmes.

- High-risk children are subjected to intensive individual attention from a responsible adult. The services of professionals (social workers, teachers, psychologists) and non-professionals (community aides, trained volunteers) are used.

- Prevention strategies are based on a holistic, comprehensive approach which includes a number of different strategies (community information, parent training, student training, etc.). The strategies concentrate on: (i) the development of individual-societal attachments and the replacement of negative support networks with positive ones by creating opportunities for positive involvement with families, schools, communities and peers; (ii) the acquisition of social, cognitive and behavioural skills to enable successful participation in these units; and (iii) the availability of reinforcements through consistent rewards for pro-social behaviour.

- Programmes are implemented where target groups can be reached easily. Schools prove to be strategic settings for the development of preventive services. This implies that schools should change their traditional functions and become open to the community and be used as a support system for community members. The school and the community should thus not only co-operate in the education of children but should be concerned with the education of all members of the community.

- Professionals (school social workers and teachers trained as counsellors) are placed in a strategic position in order to facilitate the early identification of problems. Professionals form a link not only between the child and the school but also between the family and the school as well as the community and the school.

- The importance of the family as a support system is acknowledged and the provision of different kinds of support to families is regarded as a priority.

- Peers are regarded as a powerful pro-social force and support system for young people in trouble. The training and supervision of peer counsellors are important to the success of these types of programmes.

- Community networking is shown to be the most cost-effective strategy for the prevention of social problems such as juvenile offending. Social workers who use their unique position to empower communities (by creating community awareness of neighbourhood strengths and needs, strengthening neighbourhood support networks and forming relationships between lay and professional support networks and the macro system) succeed in empowering people to prevent social problems in their communities.

In conclusion, the need for short-term primary prevention efforts should be stressed. The lack of funds and professional manpower should not prevent stakeholders from investing in society's most precious asset—its children. This implies that the underlying principles of the United Nations Convention on the Rights of the Child, namely that the best interest of the child must always be the major consideration and that the essential needs of children should be given the highest priority in the allocation of resources, should be urgently adopted.

Tertiary prevention —long-term strategies

It is recommended that a subdepartment or directorate within the Department of Justice be created to deal exclusively with juvenile justice. The correctional needs of juveniles are very different from those of adults. Within the present justice system it would be extremely difficult to establish the structures and mechanisms that are needed to implement prevention programmes, to deal with young people who have committed offences and to operate a progressive correctional system. It is recommended that the following particular approaches be adopted for juvenile justice in South Africa:

The focus should be on diversion

The co-operation of the police should be obtained so that a system of cautioning can be formalized. Police officer training should include all aspects of juvenile offending. Police stations, particularly those in urban areas, should have police officers who focus specifically on juvenile offending and these officers should receive additional training. There should be close co-operation between the police and the social worker or probation officer attached to the juvenile court. When young persons are arrested, their parents should be notified as soon as possible. Young people should not be detained if they are not a threat to society, that is, if they have been arrested for an offence not associated with violence. They should be released into the custody of their parents or other responsible adults. There should be small detention facilities that are used exclusively for juveniles who must be detained.

The juvenile offender should be assessed immediately by a social worker at the detention facility so as to determine how, in the best interest of the child, he/she should be processed through the justice system. The social worker should determine whether the child should be diverted from the court system, processed as a child in need of care (that is, through a Children's Court Inquiry) or processed through the juvenile (criminal) court. The social worker should also be in a position to ascertain by means of a central record system whether the child is a first offender, to trace the child's parents or guardian without delay and to send a police officer to locate the parents/guardian. Unless initial assessment shows that the child is a danger to society, he/she should be released immediately into the custody of the parents/guardian once they have been located, until the child's case can be heard in court.

Strong emphasis should be placed on deinstitutionalization

Secure residential treatment (that is, lock-up facilities) should be reserved for young people who are a threat to society as a result of their involvement in serious crimes of violence. Every juvenile entering the justice system should be assigned to a case-worker. Case-loads must be kept low (experts contend that case-loads should not exceed 30). An individualized treatment plan must be worked out for each juvenile, tailored to meet his/her needs. The treatment plan must be enforced by means of a contract between the juvenile and the justice department.

The options should range from minimal intervention, such as mentorship, to maximum intervention, such as residential lock-up care. Residential facilities, whether they are of the lock-up type or not, should not be large. Expert opinion has it that each facility should not house more than 40 or 50 juveniles. Private

vendors' should be contracted to operate services so as to ensure that juveniles obtain the best treatment possible.

The *Directorate of Youth Services* recommended in the previous section should be responsible for all programmes, services and treatments provided for juveniles from the time that they are ordered to be detained following their initial court appearance, until their eventual discharge.

The way in which a juvenile justice system could operate is illustrated in Figure 1.

Tertiary prevention —short-term strategies

- In view of the stated commitment of the Department of Correctional Services to diversion and deinstitutionalization, it is recommended that the development and implementation of non-residential programmes for juveniles receive urgent attention. Some of the community-based programmes with a proven track record that are operating in overseas countries could be adapted to South African conditions.

- It is recommended that the residential correctional facilities in operation at present (such as the existing reform schools) be considerably reduced in size. If it is not possible to make existing facilities smaller, the possibility of drastically altering their structure so that they lose their large-scale appearance should be investigated.

• In the United States of America, for example, most treatment programmes and residential facilities are operated by private organizations and groups. The different functions and needs of juvenile treatment and corrections are identified by the Juvenile Justice Department and these are contracted out to private bodies. This ensures that juveniles receive the best treatment possible, because contracts are continuously reviewed and the effectiveness of the services offered are regularly evaluated.

Figure 1: The conceptual operation of a juvenile justice system: Case flow

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2. Recommendations of the discussion groups*

Primary and secondary prevention

The family as primary socializing agent

Main problems

- Family functioning and roles in the family.
- Disempowered *helping system* and professional arrogance.
- Lack of creative planning of services, especially the financing of services.

What should be done?	By whom?	By when?
• Funds channelled appropriately after research.	The government, private sector and the community.	Continuous.
• Comprehensive planning of social services.	The government, private sector and the community.	Continuous.

Who will monitor?

- Proposed *Department of Youth Affairs*.

* A list of the persons who acted as group facilitators is given in Appendix C.

- Co-ordination should be at a national and regional level.

Education as the foundation of a prevention programme

Main problems

- Teaching method should be changed from a didactic approach to problem-solving and fun.
- Lack of resources and infrastructure.
- Inadequate pre-primary facilities.
- Education not compulsory and must be enforced.
- Lack of links between school and family.

What should be done?

- Teachers retrained.
- Curriculum changed.
- Consultants made available to teachers as they implement change.
- Vocational guidance.
- Equipping parents, students and teachers with skills.

By whom?

New government, NGOs, welfare departments.

By when?

As soon as possible.

The role of religion in prevention

Main problems	What should be done?
• Lack of relevant church activities, ineffective church programmes and inappropriate training and expertise of the clergy.	Training—practical holistic programmes; training auxiliary workers; pro-active programmes.
• Lack of understanding of the needs of the community (church lacks credibility in the community) and the abuse of leadership roles (politics brought into the church).	Needs assessment (it must be practical); consultation with community leaders and subgroups, e.g. gangs; more accessible to community members.

By whom?

Church leaders, task groups.
Community leaders.

By when?

Programmes and community involvement to be in place at the end of 1994.

Preparing young people for adult life and the early identification of at-risk situations

Empowering parents and others

- Education, both formal and informal, is the right of all people irrespective of age or sex.
- A national education programme should aim to break down the barriers between the youth, parents, teachers and other members of the community.
- An integrated educational policy should work towards upgrading life skills throughout society.
- There is a need for children and young people to learn parenting skills as well as problem-solving and relationship skills within formal education situations.
- There is a need for media involvement in the promotion of family life.

Lack of involvement, co-ordination of person power

- The need to network, using existing forums as well as churches, youth and women's groups.
- We need unemployed, adult volunteers who are paid an honorarium and come from communities in which they will work.
- We need a document that records networks, projects and organizations working in this field, preferably at the end of this workshop.

Community and family breakdown

Communities and parents cannot be good role models for young people as long as their life conditions are intolerable. Any policy document should make the point that an integrative programme of social upliftment should be part of any programme of youth upliftment.

Reviewing present legislation and policy regarding primary and secondary prevention, and considering alternatives

Problems

- Lack of legislation dealing specifically with prevention.
- Difficulties in using legislation to prevent juvenile offending.
- Schools fail to provide social skills training and social work services geared to prevention.
- Lack of knowledge and inaccessibility of information about legislative protections.
- Social structures (including family) fail to address problem of prevention.
- Limitations of funding and infrastructure.

What should be done?	**By whom?**
• In-depth investigation into need for legislation (identify present legislation).	Working group; welfare departments; welfare organizations; inter-departmental committees.

• Lobby for protection of family in final constitution.	Prof. Robbie Robinson
• Constitutional litigation around children's rights.	Legal committee of the National Children's Rights Committee (NCRC); Lawyers for Human Rights; LRC.
• Strong civil society to keep issues alive.	NGOs.
• Education on rights and responsibilities—by civil society (structures in communities).	NGOs.
• Policy statement setting out ideals (e.g. analysis of the Beijing Rules).	NCRC could facilitate development by members of concerned organizations.
• Compulsory free education for all.	Department of National Education.
• Legislation to provide for social workers in all schools.	Department of National Health and Population Development, welfare departments and the community.
• Ongoing intensive training for all involved.	Government of the day.
• Life skills training to be part of the school curriculum.	Parent/teacher/student associations.
• User-friendly legislation, simple and consolidated.	Street Law.
• Keep up with the development and interpretation of the law (research on existing interpretive papers).	HSRC; law clinics/centres; schools/universities.

• Create awareness by means of: manuals; booklets; comics; television; radio; information on boxes (advertising), buses.	Outreach projects; NICRO and welfare organizations; community organizations; teachers.
• Responsible political resolution.	
• Redistribution of resources.	
• Training for good parenting.	
• Ministry for children's rights/ombudsmen.	
• Life skills education.	
• Reconstitute education system.	
• Allocation of additional funds to education and crime prevention.	National institution (department), together with regions and local government and communities.

Tertiary prevention

Law enforcement

Problems

- Lack of teamwork and communication amongst all roleplayers.
- Lack of understanding and ignorance of the law by juveniles.
- Procedural delays, e.g. tracing of parents.

What should be done?	**By whom?**
• Improve networking at national, regional and local levels.	Existing structures, SAP; community safety forums; civics; Street Law projects.

• Establishment of review panels that operate within 24 hours for all detained juveniles.	Panel should consist of social workers, SAP, parents, community members, Department of Justice.
• Juvenile Charter.	NCRC; lobby groups for children in detention.

Probation services

Problems

- Lack of manpower, funds and facilities.
- Delay in promulgation of Probation Services Act.
- Lack of parent and community involvement.
- Lack of separate juvenile justice system.
- Probation services are directed at courts and not clients.

Solutions

All stakeholders should commit themselves to co-operation and co-ordination.

- More funds should be made available.
- Vacant facilities should be utilized.
- Act should be implemented as soon as possible.
- Manual for probation services should be made available to all welfare departments.
- Regional and community talk shops should be held.
- District child protection forums should be established.
- Marketing through radio and TV.
- Working document should be drawn up.

- Strategy and plan of action should be developed.
- Probation officers should be more assertive.
- Re-orientation of probation officers and court staff.

Awaiting trial

Problem	What should be done?
• Legislation/legal process/ time.	Legislation must be changed; the whole legal process must be hurried along. **By whom?** Working group at the Community Law Centre, University of the Western Cape; NCRC; various government departments and political parties. **By when?** Already happening.
• Lack of supervision and structured programmes for those awaiting trial and their families.	Implement programmes and co-ordinate plan; always with the understanding that this is short term; strategy which does not seek to justify or condone children being in police cells/prisons but merely to minimize abuse that is going on while we await long-term solutions.
• Access to police cells.	Liaise with police.
• Lack of alternative facilities.	Better use of existing facilities and person power; enable the system to divert juveniles.

The court process

Problem	What should be done?
• Fragmentation in welfare departments and proliferation of NGOs.	Establish *one* welfare department.
• Not enough preventive work.	Direct service, creating and strengthening structures, policy and advocacy work.

• Probation officers doing pre-sentence reports and not pre-trial reports.	Every child should be linked to a social worker before entering the justice system.
• Probation officers not rendering a complete service.	Reorientation of probation officers and court staff.
• Inadequate preparation of social workers for the judicial system.	Creative in-service training.
• Inadequate facilities and resources, e.g. children's homes, *funds* and people power.	Social security budget should be separate from service delivery budget.
• Lack of school social workers to run services at school level.	Introduce school social work system.
• Destabilization of communities (poverty, political unrest and criminality).	Increase community work (this also needs a national strategy).
• Low status of social workers in this country, and welfare generally.	
• Lack of professional unity.	Networking, support.
• Over-professionalization of social services.	Make greater use of social auxiliary and grassroots structures.

Custodial care

Problem	**What should be done?**
• Absence of forum to co-ordinate services regarding custodial care at local level.	Establish local *forums* throughout country (within commanding areas of Department of Correctional Services) to *co-ordinate* all activities relating to juveniles and children in custodial care in all respects.
• Lack of adequately *trained person power* relating to custodial care.	- Upliftment of moratorium on all essential service posts in this field. - Recruiting adequately qualified persons.

	- Promoting ongoing service training for staff.
• Alternatives for sentencing: Need greater use of correctional supervision and diversion programmes.	Promoting diversion programmes prior to court appearances, as well as prior to custodial care.

Appropriate sentencing for juveniles

Problem	**What should be done?**
• Inadequate utilization of options available.	More information to be given to prosecutors and magistrates.
• Difficulty regarding the channelling of juveniles with regard to options.	Involvement of the community in passing of sentences.
• Too much emphasis on punitive options.	Using the present punitive measure in a more constructive way.
• Too much emphasis on professional agencies, specifically for community service orders.	More support to be given to the community service order, e.g. twinning of community service structures.
• Insufficient community involvement.	Finding ways of strengthening the community structure to have a more positive image.
• Danger of widening criminalization.	An attempt should be made not to bring the minor offences before the justice system.
• Alternatives tend to serve the advantaged groups.	
• No national policy for the youth.	
• Lack of infrastructure in small/ rural areas.	

- Too little emphasis on the development of the juvenile.

  Emphasis should be on the resolution of the problem rather than on punishment; restorative justice.

- Lack of networking.

Reviewing present legislation and policy regarding tertiary prevention, and considering alternatives

General problems

- No access to child (delinquent) in hospital (in custody).
- Too many juveniles in jail unnecessarily.
- More involvement of society; Department of Correctional Services chaplaincy should be only an accessory.
- Need for more flexible industrial schools and life skill programmes.
- Lack of health policy for children in custody.

Specific problems

- Lack of centralized and specialized centres for arrested youths (plus differentiation).
- Children in custody are cut off from family and community.
- Lack of comprehensive social services and legal assistance.
- Volume of numbers.
- Lack of specialization for police and court personnel (family courts).

What should be done?

- Utilize existing *facilities* and *manpower* better.
- Assessment centre with specially trained police officers and social workers.
- Interpretation of charge by policeman.

- Trace guardians.
- Assessment of child by social worker.
- Both agree on what will happen to child.
- Where will the child be *detained*; perhaps diversion programmes—this must be a 24-hour service (flexitime).
- Extensive social work services.
- Social workers involved immediately.
- Community must be responsive; reorientation of mindset needed.
- Ask HRSC how information is going to be conveyed to authorities; which channels are going to be used at the outcome of the workshop.
- Reply from state, community and parents on why children are detained.
- Rural and urban resources are different.
- Money is the bottom line again; make effective use of existing facilities and manpower.
- Prioritize funding.
- Fragmentation of youth services.
- One youth ministry suggested.
- Educate children to make use of legal aid, and legal assistance must be available at prisons and police stations (articled clerks; roving public defender).
- The reality is that more children are arrested than are released.
- Crisis centres must be identified, for example Port Elizabeth, Johannesburg, Durban and the Western Cape. Special efforts should be concentrated here (rural areas must also be considered).
- Lawyers for Human Rights undertakes to train all police on the human rights of children.

- Prosecutors, magistrates, interpreters and custodians of children must be trained.
- Extra training for probation officers at universities.
- Court environment must be adapted in the interest of the child; must be more child friendly, for example a family court with specially trained personnel.

By whom?

- All welfare departments, private children's homes, education departments.
- HSRC, community and parents.
- Department of National Health and Population Development; ANC; Lawyers for Human Rights.
- Lawyers for Human Rights; small working group of the Department of National Health and Population Development; provinces and local committees.
- Lawyers for Human Rights, universities.

Appendix C: The discussion groups

Day 1: Primary and secondary prevention of juvenile offending

Group 1: Reviewing present legislation and policy regarding primary and secondary prevention, and considering alternatives.
Facilitator: *Mrs Shirley Mabusela*, National Children's Rights Committee.

Group 2: The family as primary socializing agent.
Facilitator: *Mrs Pumla Radebe*, Community Services, Germiston Municipality.

Group 3: Education as the foundation of a prevention programme.
Facilitator: *Ms Jennifer Kemp*, Group: Education, HSRC.

Group 4: The role of religion in primary prevention.
Facilitator: *Ms Keneiloe Mohafa*, South African Council of Churches.

Group 5: Preparing young people for adult life.
Facilitators: *Mrs Rose September*, University of the Western Cape/*Dr Andri van der Merwe*, Group: Education, HSRC.

Group 6: Early identification of at-risk situations.
Facilitator: *Dr Ronelle Langley*, University of Pretoria.

Day 2: Tertiary prevention of juvenile offending

Group 1: Reviewing present legislation and policy regarding tertiary prevention, and considering alternatives.
Facilitator: *Prof. Robbie Robinson*, Potchefstroom University for CHE.

Group 2: Law enforcement.
Facilitator: *Capt. Eric Peltz*, South African Police

Group 3: Probation services.
Facilitator: *Mr Eryl Barnard*, Provincial Administration of the Orange Free State.

Group 4: Awaiting trial.
Facilitator: *Mr Terry Dowdall*, University of Cape Town.

Group 5: The court process.
Facilitator: *Adv. Solly Sithole*, Goldstone Commission.

Group 6: Custodial care.
Facilitator: *Gen. Buks Jordaan*, Department of Correctional Services.

Group 7: Appropriate sentencing for juveniles.
Facilitator: *Mr Alan Jackson*, Child Welfare Society, Cape Town.

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